



# EDUCATING LINGUISTICALLY DIVERSE STUDENTS Requirements & Practices

Missouri Department of Elementary and Secondary Education  
P.O. Box 480 Jefferson City, Missouri 65102

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# EDUCATING LINGUISTICALLY DIVERSE STUDENTS

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## INTRODUCTION

The purpose of the *Educating Linguistically Diverse Students: Requirements and Practices* handbook is to give every school a clear understanding of its responsibilities towards students with limited English proficiency (LEP) or English Learners (EL). In response to frequent inquiries about programs and services for these students, this document addresses the key areas of Student Identification and Placement, Assessment, Program Components and Evaluation, and Culture. Additional Appendices and Resources provide school teachers and administrators sources of assistance with program development and implementation and ways to meet the diverse needs of students and parents.

This document is not intended to be a step-by-step manual for planning and implementing a language acquisition program. A written description cannot take the place of observing and studying an actual program. Schools that have specific questions about particular program components or services should arrange to discuss them with qualified experts in the field. The agencies listed under Education Assistance addresses can provide such experts.

Linguistically diverse students can achieve the same high standards expected of all students. By combining our knowledge of language and academic learning with the practical experience of expert teachers, we can meet this goal.

# Section 1

## Legal Requirements

### Student Legal Rights

Every student in the United States has certain rights, which states and school districts cannot violate. These rights are granted by law. Every public school is required to provide a free and equitable education to all children who reside within the boundaries of the school district. Over the years, key laws have been enacted to protect the rights of certain students who otherwise may not receive the full benefit of a public education.

Some of these laws have been supported by funding to which every eligible school is entitled (e.g., Title I), or for which certain schools or districts may apply/qualify (e.g., Title III). Any school district that accepts federal money, regardless of the source, implicitly agrees to comply with all the laws concerning a free and equitable public education. This means, for example, that even if a school district only receives funds for reduced priced lunches and Title I, it still must ensure that all students have access to all the district's programs, and that their personal and educational rights are protected. Regardless of whether there is funding attached to a law, public schools are obliged to comply with the law to the best of their abilities. However, schools should keep in mind that the enrollment of an EL student generates the same amount of state per-pupil aid and contributes to the same applicable student counts (such as U.S. Census or National School Lunch Program) as any other student in the school.

The following is an outline of federal law regarding the rights of public school students in the U.S., followed by information specific to Missouri.

### Civil Rights

The *Civil Rights Act of 1964* states, in part,

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 601 of Title VI of the Civil Rights Act of 1964 --42 U.S.C. Section 2000d

As a result of this Act, in 1970 the Director of the Office for Civil Rights (OCR) issued the "May 25th Memorandum," directing school districts to do four things:

- 1) Take affirmative action to rectify the language deficiency.
- 2) Avoid improper assignment of ELs to remedial classes or deny them the opportunity to participate in college preparatory classes.
- 3) Avoid special tracking or grouping that operates as an educational dead-end or permanent track.
- 4) Adequately notify the parents of these children of the same things, which all other parents are aware of, if necessary, in a language other than English.

## Lau v. Nichols

In 1974, the most influential legal decision regarding ELs was handed down. *Lau v. Nichols* was a class-action suit brought by parents against a California school district and was heard by the Supreme Court. The school district had given ELs the “same facilities, textbooks, teachers and curriculum...provided to other children in the district” (*Lau v Nichols* 1974) and a lower court had felt that was sufficient.

The Supreme Court, however, found that such a remedy was not sufficient.

...there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education. Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the education program, he must already have acquired those basic skills is to make a mockery of public education.

We know that those who do not understand English are certain to find their classroom experience wholly incomprehensible and in no way meaningful.

*(Lau v. Nichols, 1974)*

The Court also found that school districts, which receive Federal aid, agree implicitly to comply with the May 25th Memorandum. The decision in *Lau v. Nichols* was unanimous.

## Equal Educational Opportunities Act

The same year as the *Lau* decision, the Equal Educational Opportunities Act (EEOA) was amended to read:

No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by — (f) the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional program.

*(Equal Educational Opportunities Act, 1974)*

The Civil Rights Division, Educational Opportunities Section of the United States Department of Justice is charged with enforcement of the EEOA, and as such, investigates allegations that State Educational Agencies (SEAs) or school districts are not providing adequate services to ELs. The Section’s webpage outlines specific factors for assessing compliance and conditions that may violate the EEOA.

### English Learners

The Section is charged with enforcing the Equal Educational Opportunities Act of 1974 (EEOA). Section 1703(f) of the EEOA requires state educational agencies (SEAs) and school districts to take action to overcome language barriers that impede English Language Learner (EL) students from participating equally in school districts' educational programs. As part of its efforts to enforce the EEOA, the Section investigates complaints that SEAs or school districts are not providing adequate services to EL students.

Although section 1703(f) of the EEOA does not require schools to adopt a particular type of language acquisition program such as an English as a Second Language (ESL) program, courts generally consider three factors to assess compliance:

1. whether the school's program is based upon sound educational theory or principles;
2. whether the school's program is reasonably calculated to implement the educational theory effectively; and
3. whether, after a period of time sufficient to give the program a legitimate trial, the results of the program show that language barriers are actually being overcome.

Examples of conditions that may violate the EEOA include when a school district or SEA does the following:

1. fails to provide a language acquisition program to its EL students or fails to provide adequate language services to its EL students;
2. fails to provide resources to implement its language acquisition program effectively (e.g., an ESL program lacks ESL teachers or ESL materials);
3. fails to take steps to identify students who are not proficient in English;
4. does not exit EL students from a language acquisition program when the EL students have acquired English proficiency, or exits EL students without written parental or guardian permission before the students acquire English proficiency;
5. fails to communicate meaningfully with non-English-speaking or limited-English-speaking parents and guardians of EL students by not providing such parents and guardians with written or oral translations of important notices or documents;
6. fails to provide language acquisition assistance to EL students because they receive special education services, or fails to provide special education services to EL students when they qualify for special education services; and
7. excludes EL students from gifted and talented programs based on their limited English proficiency.

(<http://www.justice.gov/crt/about/edu/types.php>)

In summary, these laws clarify the obligation of every school to not only enroll students from diverse language backgrounds, but also to actively implement a program that addresses their English language and academic development. The characteristics of such a program are described in Section 3. The remainder of this section provides additional requirements of Missouri school districts.

## School Attendance

In Missouri, any school-age child residing within the boundaries of a school district is eligible to attend the appropriate local school.

A school district may require only two kinds of information for enrollment:

- 1) proof of residency in the district (not in the U.S.), including legal guardianship for students under the age of 18; and,
- 2) proof of required vaccinations.

As long as the information is provided, the child must be allowed to enroll in school.

## U.S. Residency and Immigration

The Supreme Court ruled in *Plyler v. Doe* (1982) that legal residency in the United States is not a requirement for enrollment in a public school. Schools should not explicitly or implicitly ask for any information related to U.S. residency, including Social Security numbers (see below), passports, visas or other immigration documents. Even if volunteered by parents, it is better to politely refuse such information. Schools are not agents of the U.S. Citizenship and Immigration Services (USCIS), and **are not obligated** to provide USCIS with any information about the U.S. residency status of **students or their families**. [Appendix A](#) contains a memo that was sent to all Missouri public school districts in January 1998. The memo summarizes student rights with respect to enrollment and Social Security numbers.

On January 7, 2015, the U. S. Department of Justice and the U. S. Department of Education sent a letter to update guidance to states and school districts to ensure enrollment processes are consistent with the law and fulfill their obligation to provide all children —no matter their background—equal access to an education. ([Joint Letter from the Department of Justice and the Office for Civil Rights](#))

## Privacy and Social Security Numbers

The *Privacy Act of 1972*, among other things, established the criteria by which an organization can legitimately request certain kinds of personal information from its patrons. In the case of Social Security numbers, the law is interpreted to mean that any organization or agency wishing to use this number must have a legitimate reason for doing so. Employers, for example, may require it in order to comply with reporting obligations to the Internal Revenue Service. Since public school districts have no such obligations, that is, no legitimate reason for having the number, they may **NOT** require students provide a Social Security number to enroll in school. While having the number may be a convenience, requiring it is in clear violation of the law (see [Appendix A](#)).

Certain entities with which many schools are associated can and do legitimately require Social Security numbers. Two common ones are social services, such as Medicaid, and college and university scholarship sources. In these cases, schools can explain the reasons for using Social Security numbers, and instruct the student or parent wishing to apply for the service to do so directly, **without giving the number to the school**. Some other services used by schools, such as the state Dropout Hotline, request Social Security numbers but cannot require them; here again the number is used as a convenience.



In summary, schools should take the following steps to ensure that no one is discouraged from enrolling in public school:

- Remove all blanks for Social Security numbers from enrollment forms.
- Instruct all district staff, both professional and support, that Social Security numbers are not required of students to enroll in school or to apply for and receive free or reduced-priced lunches.
- Refrain from asking for any other information or documents that can be tied to U.S. residency including Social Security numbers, passports, visas or other immigration documents.

## Parental Notification and Legal Rights

Under Title III of the [\*Every Student Succeeds Act \(ESSA\)\*](#), schools are required to provide informed parental notification as to reasons why their child is in need of placement in a specialized English Language Development (ELD) program. To the extent practicable, the notification must be in a language the parent can understand. Parents must be informed no later than **30 days** after the beginning of the school year. If a child enters a program during the school year, the time frame is **30 calendar days**.

### Under ESSA, parents of ELs can expect the following:

- To have their child receive a quality education and be taught by a highly qualified teacher.
- To have their child learn English and other subjects such as reading, language arts, and mathematics at the same academic levels as all other students.
- To know if their child has been identified and recommended for placement in an ELD program.
- To have their child tested annually to assess his or her progress in English language acquisition.
- To receive information regarding their child's performance on academic tests.
- To have their child taught with programs that are scientifically proven to be effective.
- To have the opportunity for their child to reach his or her greatest academic potential.

Details on this issue are located in [Appendix B](#) of this document.

## Notification of Parental Rights and Participation

Districts must provide information in an effective manner and applicable language, inclusive of letters, brochures, parent meetings, etc., on how parents:

- can be involved in the education of their child
- can be active participants in assisting their child to learn English and achieve the state's high standards in core academic subjects
- can participate in meetings to formulate and respond to concerns or recommendations from parents of ELs

Providing information to parents, to the extent practicable, in a language parents can understand means that, whenever practicable, written translations of printed information must be provided to parents with limited English in a language they understand. However, if written translations are not available, it is practicable to provide information to EL parents orally in a language they understand. Districts have flexibility in determining what mix of oral and written translation services may be necessary and reasonable

for communicating the required information to parents. [Appendix C](#) contains a sample *Parental Notification* form.

## **International Student Exchange Programs**

The State of Missouri supports international student exchange programs, which are educationally effective and foster global understanding. These programs have been very successful at helping both American and international students learn about another language, history, culture, and government. One of the goals of ESSA is to assist ELs who are residents of the United States attain English proficiency and academic achievement. Most international exchange students will arrive at their Missouri school being at an English proficiency level to participate in regular classroom instruction. In fact, reputable exchange program organizations require proficiency in English. However, it is at the districts discretion to evaluate them for English language proficiency. Assessment results for international students, who are enrolled in the United States of America for less than one year, even if they are EL, are not to be included in the school level measurement of adequate yearly progress required by the ESSA.

## **Charter Schools**

Charter schools are considered public schools and are held accountable for all performance standards applicable to the grades served in the school. Charter schools are not held accountable for resource and process standards. This is a link to a letter from the U.S. Department of Education that clarifies the responsibility of Charter School in regards to ELs.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>

## **Consultation with Private Schools**

The ESSA - Title III allows students and staff of private schools to receive services funded through Elementary and Secondary Education Act (ESEA). The agreement stipulates that private schools, which do not receive funds or services under the ESEA, are not subject to any of the requirements of the ESEA. The agreement includes Part A of Title III to the list of programs under which private schools **may** equitably participate to receive educational services or benefits. In addition, the Act specifies that the educational services must be provided by the school district to private schools in a timely manner and that consultations with private school officials must occur during the design and development stages of the education programs, as well as throughout the period of implementation. Details on this issue are located in the [Appendix D](#) of this document.

## Section 2

### Identification and Placement Requirements

Every Missouri public school district must have the means in place to identify students who come from non-English language backgrounds or home environments as outlined in Title I Sec. 1001(2) and Sec. 1111(b)(7) requirements and Office of Civil Rights (OCR) EL plan development and settlements.

[OCR EL Plan Development](#)

[OCR/DOJ and Boston Public Schools](#)

[OCR/DOJ and Arizona Department of Education](#)

More information on identification can be found in the [Identifying and Reclassifying English Learners](#) guidance document. Ideally, every student currently enrolled in the district, and every newly enrolling student, completes a *Language Use Survey (LUS)*, or answers the following questions regarding language use on the enrollment form:

- What was the student's first language?
- Which language(s) does the student use (speak) at home and with others?
- Which language(s) does the student hear at home and understand?

Missouri public school districts must choose one of these alternatives. Examples of both are given in [Appendix E](#)

The diagram below provides a recommended process for determining whether newly enrolled students are ELs. A discussion of each step follows this diagram:

**Step 1:** Administer a *Language Use Survey* to all new enrolling students.

**Step 2:** Assess the English proficiency of any student whose *LUS* indicates a language other than English is spoken by the student or there is evidence to suspect that a language other than English is potentially a barrier to success.

**Step 3:** Determine whether the student meets the criteria of being identified as an EL by assessing English proficiency level using the WIDA Online Screener and make initial English language development placement decisions.

**Step 4:** Notify parents and/or legal guardians of language screening assessment results and initial placement.

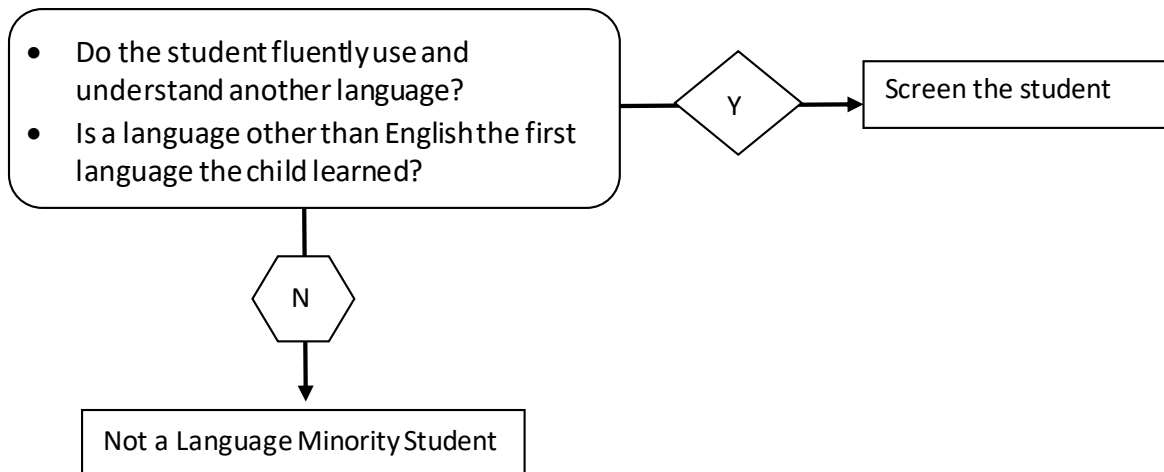
**Step 5:** Code all students determined to be ELs correctly in student information system to ensure accurate MOSIS reports submitted to the Department.

## Step 1: Administer a Language Use Survey

The primary purpose of a LUS is to find out whether a student speaks a language other than English at home and should be assessed for ELP. The LUS also presents an opportunity to collect other useful information about the student that will help district personnel understand the student's personal and educational history in order to plan an appropriate educational program for the student.

When administering the LUS, districts should:

- **Administer the survey to ALL new students.** Districts must administer the survey to the parents of all new students enrolling in Kindergarten through 12<sup>th</sup> grade. If new students are enrolled at a central intake location, a sufficient number of individuals should be designated and trained in administering the LUS to meet the need at that location. If new students are enrolled directly into schools, an appropriate person must be designated and trained at each school.
- **Establish a record-keeping system.** The LUS provides useful information about ELs and should be filed according to the district's Lau Plan in students' cumulative folders as a resource for educators.



See [Appendix F](#) for the *Missouri Identification Chart for English Language Learners*.

## Step 2: Assess English Language Proficiency

Every student whose LUS indicates that a language other than English is spoken or understood by the student, or if a district has reason to suspect that a language other than English has significantly impacted the student's acquisition of English, the district is required to screen the child in the four domains of reading, writing, speaking, and listening.

These incoming students must be screened within the first 30 days of school at the start of the school year or within 30 calendar days thereafter. All potential ELs are required to be screened by qualified district or school personnel trained to administer the WIDA Screener. The Screener is free to districts and is additional information is available via the WIDA website at [wida.wisc.edu/](http://wida.wisc.edu/).

If a newly enrolled student transferred from another district within Missouri or another WIDA state, it is possible that he or she participated in the annual language proficiency assessment ACCESS for ELLs. If so, and if the test was administered within the last calendar year, instead of retesting the student, district staff can use ACCESS for ELLs results in the student's records to determine his or her ELP. Screener results from other WIDA states may also be accepted.

### Choosing the Appropriate Grade-Level Cluster

The WIDA Screener for a particular grade-level cluster should be administered to children one semester beyond the beginning of the grade-level cluster and one semester beyond the end of the grade-level cluster (see table). WIDA has made this recommendation based on the fact that students just entering a new grade-level cluster have not yet had a chance to be exposed to the language standards and content topics appropriate for the grades in that cluster.

First Semester Students													
Grade Level	K	1	2	3	4	5	6	7	8	9	10	11	12
Test to be used	K	K	1	2-3	2-3	4-5	4-5	6-8	6-8	6-8	9-12	9-12	9-12
Second Semester Students													
Grade Level	K	1	2	3	4	5	6	7	8	9	10	11	12
Test to be used	K	1	2-3	2-3	4-5	4-5	6-8	6-8	6-8	9-12	9-12	9-12	9-12

### How does the screening process work?

For the purposes of screening, there are three groups to consider when administering the WIDA Screener:

#### 1st semester Kindergarten students

- Generally 1st semester Kindergarten students have not yet developed literacy skills (reading and writing). Those students will be assessed on their **oral language** (listening and speaking domains) only using the Kindergarten W-APT. There are exceptions as noted below and districts may assess qualifying students in all four domains at their discretion.

#### 2nd semester Kindergarten students/1st semester 1st graders

- Those students who are either a 2nd semester Kindergarten student or a 1st semester 1st grade student will be screened using the Kindergarten W-APT for **all four domains**.

#### 2nd semester 1st graders through 12th graders

- Those students who are a 2nd semester 1<sup>st</sup> grade through 12<sup>th</sup> grade student will be screened using the Grades 1-12 WIDA Online Screener for **all four domains**.

See [Appendix F](#) for the *Missouri Identification Chart for English Language Learners*

### Step 3: Determine EL Status & Make Placement Decisions

Use the results of the language screening assessment to determine the criteria to be identified as an EL.

#### 1st semester Kindergarten students


ALL kindergarten students that are assessed with the Kindergarten W-APT during 1<sup>st</sup> semester and score a 28 or below are eligible for ELD services and will take the ACCESS for ELLs. At the district's discretion, kindergarten students who score a 29-30 on the speaking and listening portion of the Kindergarten W-APT may take the reading and writing portion during the first semester to determine eligibility for the ELD program. If they do not take the reading and writing portion of the Kindergarten W-APT, the student must take the ACCESS for ELLs.

This is based on ESSA requirements to determine English proficiency based on all four domains (listening, speaking, reading, and writing).

#### 2nd semester Kindergarten students/1st semester 1st graders

<p>The student <b>IS eligible</b> for ELD services if they:</p> <ul style="list-style-type: none"><li>• Have a combined score of 28 or lower on listening or speaking, OR</li><li>• Have a score of 10 or lower on reading, OR</li><li>• Have a score of 11 or lower on writing</li></ul> <p>Student will be coded LEP_RCV in MOSIS.</p>	<p>The student is <b>NOT eligible</b> if they:</p> <ul style="list-style-type: none"><li>• Have a combined score of 29 or higher on listening and speaking, AND</li><li>• Have a score of 11 or higher on reading, AND</li><li>• Have a score of 12 or higher on writing</li></ul> <p>Student will be coded NLP in MOSIS</p>
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## 2nd semester 1st graders through 12th graders

The student <b>IS eligible</b> for ELD services if they:	The student is <b>NOT eligible</b> if they:
<ul style="list-style-type: none"><li>Have a composite proficiency level of 4.5 or lower</li></ul> <p>Student will be coded LEP_RCV in MOSIS.</p>	<ul style="list-style-type: none"><li>Have a composite proficiency level score of 5.0 or higher</li></ul> <p>Student will be coded NLP in MOSIS</p>

Please see the *Missouri Identification Charts for EL* in [Appendix F](#) or go to: <http://dese.mo.gov/college-career-readiness/assessment/access-ELs>.

### Classroom Placement

Under state and federal law, ELs must be taught the same academic standards and be provided the same opportunities to master such standards as other students (EEOA, 20 USC § 1703(f); Title III of ESSA § 3102). The law also requires that instruction provided to ELs is meaningful and appropriate for their individual ELP level.

ELs should be considered the same as any other students eligible to any program that will help them reach the same standards of performance asked of all students. Once a child enters a mainstream education class, he or she may need ELD and other types of support that must be included in everyday classroom instruction. For ELs these include differentiated instructional activities, tasks and assessments based on their ELP level.

Students at lower levels of proficiency and/or with an educational background of limited or interrupted instruction may require additional support and/or multiple classes of support at the beginning, while those nearing proficiency may benefit from sheltered content instruction classes or with ELD courses targeted to those academic areas in which they are most likely to need additional support.

It is essential to remember that while the provision of services to ELs within certain programs may have the effect of separating national origin minority students from other students during at least part of the school day, the district's program should not separate ELs unnecessarily for purposes other than to achieve the support program's goals. Additionally, ELs must be provided services in comparable facilities to those in which non-ELs receive services.

ELs should be placed at the age-appropriate grade level.

There are several reasons for doing this, but the most important is socio-cultural. Students will progress faster and better if they are with their peers. Also, school personnel are more likely to have appropriate educational expectations for students if they are with age and grade-level peers.

Some flexibility can and should be applied to this decision, according to circumstances. The following situations merit consideration of exceptions to the above rule.

- The student is not too far beyond Kindergarten age and has not been in a school setting before (for placement in Kindergarten).
- The student is determined to be developmentally delayed, or has had a severely deprived background (as may be the case with children adopted from overseas orphanages).
- The student arrives during the school year and has limited or no prior schooling.

Nevertheless, exceptions should be limited and each one carefully considered. Students should never be more than ONE year behind their age-appropriate grade.



#### Step 4: Notify Parents and/or Legal Guardians

Parents should be notified about the screening test results and placement decisions **no later than 30 calendar days** after the student enrolls in the school district. Such notifications shall be provided in English and, to the extent practicable, in a language that the parents can understand. Notifications should include:

- eligibility for ELD services
- student's level of proficiency and how it was assessed
- method of delivery of instruction for ELD
- how program will help the child learn English and meet age appropriate academic achievement standards for grade promotion and graduation
- specific requirements for exiting the program
- information pertaining to parental rights that includes written guidance detailing
  - i. the right that parents have to have the child immediately removed from Title III supplemental programs upon their request
  - ii. assisting parents in selecting among various programs or methods of instruction, if more than one program or method is offered
- notification of services must be sent to parents on an annual basis

Note that this is a notification of the students' ELP level and how the district will meet the student's ELD needs, **not a consent for the child to receive services**. Parents have the right to choose whether or not their child receives Title III Supplemental ELD services. [Appendix C](#) contains a sample *Parental Notification* form and [Appendix H](#) which address the issue of parental refusal of ELD services in the *DESE EL Bulletin March 2011*.

School districts are required to implement effective means of parental outreach to encourage parents to become informed and active in their child's participation in the ELD program. Should parents wish to refuse regular ELD services, they should be asked to attend a conference with the EL teacher and an administrator where recent assessments, student's work, academic strengths and needs will be shared and discussed. The parents should be required to sign a waiver from the type of ELD program the district is offering. **Parents, however, do not reserve the right to exempt their child from needed language support.**

When a parent refuses ELD services, their refusal must be documented, but it **does not release the school district from its responsibility of providing meaningful education to the EL**. If parental refusal of ELD services denies an EL access to a meaningful education, this violates the student's rights (Title VI of the Civil Rights Act of 1964; EEOC f 1974, 20 USC §1703(f); G.L. c. 71A § 7).

Districts can meet their obligation to provide equitable access to the curriculum and English language development to ELs whose parents have chosen to refuse ELD services in a variety of ways. For example, districts could place such students in classrooms where they receive sheltered content area instruction with a teacher qualified to teach ELs, provide additional literacy and language support through reading specialists qualified to teach ELs, or establish structured opportunities for the students' content area

teachers to plan content area instruction in collaboration with a certified ESOL teacher. Districts must also keep a record of how such students are provided meaningful access to the curriculum and how such students are progressing academically.

Federal law requires that states define English language proficiency. Missouri defines English language proficiency as attaining a Level 4.7 overall composite score on the State's English language proficiency assessment ACCESS for ELLs. Any school district receiving federal funds through any program must provide ELD services to all who do not meet that definition. Even if a parent has refused ELD services, if that student has been identified as a Limited English proficient, then that **student must be administered ACCESS for ELLs annually until that student attains the State's definition of English language proficient or Reclassification Criteria**. Failure of English Learners to participate in the annual administration of the ACCESS for ELLs may affect ESSA Title 1.A funding.

## Step 5: Code all students determined to be ELs in MOSIS

All students identified as ELs should be appropriately coded as Limited English Proficient (LEP) in all MOSIS reports submitted to the Department. The following MOSIS Data Elements are also relevant to students identified as ELs:

Item #	Item Name	Definition	Code Set
155	Immigrant	Designation for students who are aged 3 through 21, were not born in any State; and have not been attending one or more schools in any one or more States for more than 3 full academic years.	<a href="#">Immigrant Codes</a>
160	EL Primary Language	The name of the specific language or dialect that students use to communicate at home. Required if student is reported as EL/LEP (RCV).	<a href="#">Language Codes</a>
165	LEP / EL	DESE assigned LEP/EL code set. This code set is used to declare if a student is LEP, EL Receiving, first year monitoring, or second year monitoring.	<a href="#">LEP Codes</a>
180	ESOL Instructional Model	Required if student is reported as EL/LEP receiving services (RCV). Most frequent LEP Instructional Model used.	<a href="#">ESOL Model Codes</a>

If you have any questions or would like further information, please contact Shawn Cockrum, Director Migrant Education and English Language Learning at (573) 751-8280 or at [Shawn.Cockrum@dese.mo.gov](mailto:Shawn.Cockrum@dese.mo.gov)

### Reporting LEP and Immigrant Students

LEAs are required to report LEP students in the October, December, April, and June MOSIS Student Core files. The October Student Core File is used in the Title III allocation formula. For allocation purposes, the number of students in grades Kindergarten - 12 enrolled on the last Wednesday in September whose ELP level was below that of grade and age level peers and only those students that are coded as RCV are included. Students who are not LEP should be coded as NLP (this would include students who are language minority). LEAs are required to keep a list of those students reported in the October Cycle for monitoring purposes.

LEAs are required to report immigrant students in the October MOSIS Student Core file. For allocation purposes, all students who are coded as "Y" in the immigrant field in MOSIS are included in the immigrant count. LEAs are required to keep a list of those students reported in the October Cycle for monitoring purposes.

## Section 3

### English Language Development Program Requirements

Since the original Bilingual Education Act was passed in 1966, schools have implemented a wide variety of approaches to meet the needs of linguistically diverse students. As a result, litigation between school districts and parents has led to benchmark court decisions, which provide a framework for judging the adequacy and effectiveness of a given district's program.

#### The Castañeda Test

In 1981, a suit was brought against a Texas school district by parents. In hearing and deciding the case, the court found that there was lacking a "common sense analytical framework for analyzing a district's program for EL students" *Castañeda v. Pickard* (1981). Out of this case came a three-part test for evaluating a school district's plan for serving EL students. These three areas have become the basis for the Office for Civil Rights school district reviews. They are:

- 1) Theory: The school must pursue a program based on an educational theory recognized as sound or at least, as a legitimate experimental strategy.
- 2) Practice: The school must implement the program with instructional practices, resources and personnel necessary to transfer theory to reality.
- 3) Results: The school must not persist in a program that fails to produce results.

#### Theory: Sound Educational Approach

Districts, in deciding on the instructional approach to employ with ELs to facilitate ELD, must use an approach that is either widely recognized as successful, or may legitimately be expected to be successful. There are a number of approaches that have proven effective. These kinds of programs are described in [Section 5](#).

#### Practice: Appropriate Implementation

Once a district has decided on the approach to use, it must be properly implemented. It is not sufficient to choose an effective instructional program, but then fail to provide the qualified staff and materials needed to run it. Three key components of implementation are the identification ([Sections 2](#)) and reclassification criteria ([Sections 6](#)) and qualifications of key personnel (discussed below) and standards based effective instruction ([Section 5](#)).

#### Qualifications of Key Personnel

Districts are required to have a full-time ESOL certified teacher if there are more than 20 ELs enrolled in the district. Thoughtful consideration should be made with regards to the Castañeda test, specifically area to the personnel necessary to transfer the school's theory into reality. Paraprofessionals may be employed to assist the ESOL teacher. Districts with fewer than 20 ELs (and no ESOL certified teacher) may employ paraprofessionals to assist in the provision of services, but they must work under the direct supervision of qualified classroom teachers.

## Teacher English Fluency

Teachers in any ELD instructional program must be fluent in English and any other language used for instruction and must have good written and oral communication skills. ESOL teachers need not be fluent in all ELs' languages.

## Title III Paraprofessionals

All paraprofessionals must have a minimum of 60 semester hours of college credit with a certified transcript on file; however, Districts may hire someone without the 60 hours who has taken and passed the ParaPro Assessment.

Information regarding the ParaPro Assessment may be found on the following website:

<http://dese.mo.gov/educator-quality/educator-preparation/assessments>.

Exceptions to paraprofessional requirements:

- one who is proficient in English and another language and who only provides services to participating children as an interpreter
- one whose duties consist solely of conducting parental involvement activities
- one who is a personal assistant to a child with a disability

It is illegal to put a bilingual or EL aide/paraprofessional who is not under the supervision of a certified teacher in charge of a classroom.

## Duties of Title III Paraprofessionals

Paraprofessionals paid with Title III funds must follow these guidelines:

- work under the direct supervision of a ESOL certified teacher when providing any instructional services
- may provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when the student would not otherwise receive instruction from a teacher
- may assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction, so long as the amount of time spent on such duties is the same proportion of total work time to similar personnel in the same school
- may conduct parental involvement activities
- may serve as a translator/interpreter
- shall be included in professional development activities
- shall work with no more than 5 students at a time

The Missouri School Improvement Program (MSIP) 5 works to prepare **every child** for success in school and life. MSIP 5 is the state's school accountability system for reviewing and accrediting public school districts in Missouri.

## MSIP 5 Policy Goals

- Articulate the state's expectations for student achievement with the ultimate goal of **all students** graduating ready for success in college and careers;
- Distinguish performance of schools and districts in valid, accurate and meaningful ways so that districts in need of improvement can receive appropriate support and interventions, and high-performing districts can be recognized as models of excELence;
- Empower all stakeholders through regular communication and transparent reporting results; and
- Promote continuous improvement and innovation within each district.

The following requirements are part of [MSIP 5](#) in the Resource and Process Standards which apply to all students and programs.

### Resource Standard

10—Certification and Licensure—All personnel must hold a valid certificate or license appropriate for each assignment.

### Process Standard –Teacher/Leader

2—Professional learning drives and supports instructional practices in the district and leads to improved student learning.

1. All staff participates in regularly scheduled, ongoing **professional learning focused on student performance goals** as outlined in the Comprehensive School Improvement Plan (CSIP).
2. Professional learning is an ongoing process that occurs in the context of **all instructional staff positions and promotes the use of evidence-based instructional practices**.
3. District leaders **monitor teachers** for consistent implementation of effective practices, as designed by routinely observing, monitoring, and supervising classroom instruction.

### Process Standard - Instruction

1—Instructional staff routinely provides effective instruction designed to meet the needs of **all learners**.

1. Instructional staff routinely collaborate and use student data to provide **appropriate interventions** to address a range of student instructional and behavioral needs.
2. Instruction is **routinely differentiated to address the needs of all students**.
3. Instructional staff uses **evidence-based instructional practices** to meet the learning needs of all students.

### Process Standard - Instruction

5—The local board of education adopts and district staff implements, review, and revise a rigorous, guaranteed, and viable curriculum for all instructional courses and programs.

1. The district has a rigorous, written curriculum that includes the **required components** and is aligned to the most recent version of Missouri's academic standards and the **English language development standards**.

### Process Standard - Governance

4—The local board of education and district leadership promote the achievement and success of all students by **monitoring and continuously improving all programs and services** that support the mission and vision of the district.

The research base on effective instruction for ELs is limited but there is consensus that the additional skills and knowledge required of teachers who teach ELs might include the following:

- an understanding of second-language acquisition and the role that students' first language plays in learning a second language;
- familiarity with the cultural backgrounds of their students and how to identify instances where it would be helpful to provide background information about American culture;
- use of a repertoire of strategies to help ELs access the content delivered in English;
- ability to differentiate instruction for ELs based on first- and second-language proficiency and content knowledge;
- ability to create environments that foster second-language acquisition; and
- ability to communicate with parents, who may not be literate or proficient in English

Districts are given a reasonable period of time in which to provide the qualified staff needed to run their chosen program. The State of Missouri requires districts to have a full-time ESOL certified teacher if there are more than 20 ELs enrolled. Districts that consistently enroll twenty (20) or more than 20 ELs but do not have full-time ESOL certified teacher must provide a plan for hiring a new teacher or training an existing one.

When enrolling more than 20 ELs, the district must strictly follow their local student-teacher ratio. Use the calculations in the table below to determine the number of ESOL certified teachers needed if more than 20 ELs are enrolled:

Divide the number of students by the number of teachers to find each ratio. The ratios must be the same. If they are not, check the table below for an alternative standard.	Ratio A	Ratio B
	<div>Total school enrollment</div>	<div>Total enrollment of ELs</div>
	<div>Total number of teachers in classrooms</div>	<div>Total number of ESOL certified teachers</div>
	Are Ratios A and B the same?	
Grade Level	Minimum Standard	Desirable Standard
K-2	25	20
3-4	27	22
5-6	30	25
7-12	33	28
K-12 (total)	30	25

All students needing services must be included in the program. There must not be a waiting list of ELs in a district.

If there are other district programs that require teachers with certain qualifications, such as Title I reading teachers, Gifted teachers, Special Education teachers, and so on, then ELs must have qualified teachers as well. It is a violation of students' civil rights to "in effect relegate LEP students to second-class status by indefinitely allowing teachers without formal qualifications to teach them while requiring teachers of non-LEP students to meet formal qualification." (34 C.F.R. §100.3(b)(ii)) Bilingual or EL aides/ paraprofessional may be used in classrooms supervised by certified teachers, but this is not a permanent solution.

### **Results: Program Evaluation**

Once an ELD instructional approach has been chosen and implemented, then there must be a means in place to determine its effectiveness and, as time goes on, how it needs to be modified and improved. Programs that do not prove successful after a legitimate trial must be modified or changed. A court decision in Colorado found that a district's program was "flawed by the failure to adopt adequate tests to measure the results of what the district [was] doing..." (Keyes V. School Dist. No. 1, 1983). Section 7 offers more detail on appropriate program evaluation.

### **Program Checklist**

This instrument is designed to produce a relatively quick and informal picture of a program. Areas where immediate attention or improvement is indicated may require more careful evaluation. Some of the items will be further explained in the remaining sections of this document. This checklist is not intended to take the place of an evaluation instrument. Rather, it can give a teacher or administrator a rough idea of where strengths and weaknesses may be found in order to focus program improvement efforts.



### ESOL Program Checklist

1. All district students are (or have been) surveyed for language background using a Language Use Survey.
2. The English language proficiency of all potential ELs is assessed with the W-APT/Online Screener to identify EL and determine English Language Development (ELD) services.
3. The academic content needs of EL students are assessed and content interventions are implemented.
4. EL students are provided comprehensible instruction in content areas using the L1 or ELD methodology.
5. EL students are provided opportunities to develop identification with and positive images of their cultural heritages.
6. Appropriate and comparable instructional materials are provided.
7. EL students have equitable access to all district programs and services.
8. Staff training opportunities are offered to enhance all teachers' abilities to instruct multilingual students.
9. Students are given appropriate support services when needed (e.g., Gifted; Special Education).
10. The schools involve parents and appropriately communicate with them.
11. Student progress is monitored and the school maintains adequate records.
12. Student transition criteria are clear and follow-up procedures are implemented.

Needs Immediate Attention	Could Be Improved	This Is Done Well	We Excel in This Area

Adapted from: [Programs for English Language Learners: Resource Materials for Planning and Self-Assessments, U.S. Department of Education Office for Civil Rights, 1999](#)

## Section 4

### Assessment

Assessment issues specific to ELs include testing both language proficiency and content knowledge. This section will discuss assessment of students speaking other languages for the purposes of entry into and transition from educational programs.

#### Language Proficiency and Testing Tools

There is still much discussion about the concept of language proficiency - what it means and how to measure it. Nevertheless, the basis for deciding whether or not a student needs additional support in overcoming language barriers to schooling (i.e., whether or not a student is linguistically diverse or limited English proficient) hinges on our ability to define English language proficiency. The measure(s) used must also tell teachers something about all four language domains: reading, writing, speaking and listening. Refer to Section 3 and Section 6 for identification and reclassification criteria.

Not to be forgotten in the focus on English language skills, though, is the importance of native language proficiency. A number of researchers, including a broad-based panel of reading researchers, agree that the development of literacy skills is crucial to both successful schooling, as well as lifelong learning. Knowing whether and to what extent non-English language development has occurred can help in making decisions about the kind of ESOL services to provide a student. Even if there are no speakers of a student's language in the school district, the student can still demonstrate native language literacy by reading or writing, for example.

#### Statewide English Proficiency Screener: KG W-APT and WIDA Online Screener

The screening tools are used by districts upon enrollment. The KG-W-APT is intended for students in kindergarten and first semester 1<sup>st</sup> grade. All other students take the WIDA Online Screener. These tools can help to determine whether or not a child is in need of English Language instructional services.

#### Statewide English Proficiency Annual Assessment Tool: ACCESS for ELLs

To comply with Title III of the *ESSA*, the state of Missouri has adopted ACCESS for ELLs as the statewide assessment tool to measure the yearly English language proficiency progress of EL students. ACCESS for ELLs assesses proficiency in speaking, listening, reading, and writing. All identified ELs enrolled in public and charter schools are required to take the ACCESS for ELLs during the testing window following their enrollment in a Missouri school. ELs who attend private school may be assessed with the ACCESS for ELLs at the expense of their private school.

For more information about the ACCESS for ELLs or the WIDA Screener go to: <https://dese.mo.gov/college-career-readiness/assessment/el-assessment>.

## Content Knowledge - Missouri Assessment Program (MAP)

The **MAP** assessments test students' progress toward mastery of the Missouri Learning and Show-Me Standards with the following assessments: Grade-Level, End-of-Course (EOC) and MAP-Alternate (MAP-A).

- **Grade-Level Assessment** is a yearly standards-based test that measures specific skills defined in math and English language arts for grades 3-8 and science in grades 5 and 8.
- **End-of-Course Assessments** are taken when a student has received instruction on the course-level expectations for an assessment, regardless of grade level.
- **MAP-Alternate** (MAP-A) measures student performance based on alternate achievement standards and is designed only for students with significant cognitive disabilities who meet grade level and eligibility criteria.

Generally, no EL is exempted from taking the MAP after enrolling in a Missouri school. However, school age students who have been in the US for less than 12 cumulative months may be exempt from the ELA Grade-Level Assessments. High School students must take the required English EOC prior to graduation. As long as the student is identified as an EL, they qualify for certain accommodations related to test administration. These accommodations are detailed on the Universal Tools and Accommodations chart found in the appropriate manual for the assessment. Questions about assessments may be directed to the DESE Assessment section: 573-751-3545 or [assessment@dese.mo.gov](mailto:assessment@dese.mo.gov).

### Special MAP Provisions for EL Students:

- ELs may be counted in their subgroup for four years after they no longer receive ELD services.
- ELs who have been in the country less than one cumulative year may take the MAP English Language Arts test, but they are NOT required to do so. ELs are still required to take the ACCESS for ELLs, the state's English-proficiency assessment.
- ELs who have been in the country less than one year will not be included in APR calculations.

EL scores from the MAP shall not be counted until the students have been enrolled in school (in Missouri or another state) for at least three full years. Such students must take the appropriate MAP exams, but their scores will not be included, for accreditation purposes, in districts' results until students have met the three-year threshold.

## Special Education Testing

Historically, there has been a tendency to refer ELs to Special Education programs without legitimately determining if there is a reason to suspect a disability. Since this is not only inappropriate but also illegal, it is important to understand how an accurate determination of a suspicion of a disability can be made.

The fundamental distinction in question is that between language acquisition-related behaviors and behavioral- and developmental-related evidence. In other words, educators must distinguish between the behaviors exhibited when one is learning another language, and those exhibited when there is a disability. Because many of these behaviors may appear similar, it is essential that school personnel have a reliable process for distinguishing between those ELs who are simply going through normal language acquisition processes and those who also have special educational needs because of a disability. Research in the area

of bilingual special education has provided some proven tools for this purpose. One of the most practical is a flowchart that takes educators through a questioning process designed to prevent inappropriate referrals for Special Education testing (see [Appendix I](#)).

Even when Special Education screening and services are deemed appropriate, the reauthorized IDEA (1997) includes specific safeguards for ELs in the form of native language testing and communication with students' parents. <http://dese.mo.gov/special-education/compliance/EL-special-education>

## **Reading Assessments: Promotion of Students and Senate Bill 319**

School districts must have systematic assessment procedures in grade 3 to determine the reading level of students. Assessment is also required for students in grades 4-6 who transfer in during the year, unless they have already been determined to be reading at or above grade level. Reading Improvement Plans must be implemented for identified students in grades 4-6.

- (1) Students in grade 4 who are reading below third-grade level will be required to have summer reading instruction; they must be assessed again at the end of summer school.
- (2) Students in grade 3 who are reading below second-grade level MAY be required, by local policy, to attend summer school as a condition for promotion to fourth grade.

Mandatory retention in grade 4 will be applied for students who are still reading below third-grade level at the end of summer school. **ELs are exempted** from the assessment, remediation and retention requirements of [§ 167.645, RSMo](#).

## **Assessments for Gifted and Additional Programs**

Districts must make sure that any educational program offered to the student body uses eligibility criterion accessible to all students. The fact that some students have not developed English language skills to the same level as their peers does not mean that they are inherently less intelligent, creative, or deserving of a challenging and invigorating educational experience.

With respect to Gifted Programs in particular, those responsible for student selection must ensure that the criteria used to identify and select participants are not culturally or linguistically biased. To make decisions about students based on measures that assume English language proficiency is a violation of EL students' civil rights. If necessary, alternative routes to qualifying must be available to students from non-English language backgrounds. <http://dese.mo.gov/quality-schools/gifted-education>

ELs may participate in every program for which they are eligible. Placement in one does not preclude placement in a second or third. Programs referred to include Special Education, ESOL, Gifted, Migrant Education and Title I programs.

# Section 5

## English Language Development Programs

Effective programs for ELs will take into account the influence and development of the native language. This section will summarize the most successful approaches for teaching students from other language backgrounds. Some additional methods and techniques are described as well, culled from research literature, as well as teachers' experiences. Detailed descriptions of the approaches can be found in published texts and through some of the references provided. Educators interested in implementing an approach have several options, including visiting and observing a program in action, and requesting program assistance from MELL Instructional Specialists. The section concludes with a discussion of standards and curriculum.

Schools districts are responsible for providing an English language development program that increases the English proficiency and academic achievement of ELs. This is true whether or not the districts receive funds from the state or federal level. The expectations are to hold ELs to the State academic content and academic achievement standards established for all children. DESE has no mandated curriculum to serve ELs. DESE can assist districts in developing their local plan for educating ELs that allows for local variations while maintaining compliance with state and federal requirements. The districts have the students' results in terms of their language abilities. These are key factors in determining what kind of services to provide and how often to deliver them to reach the expectations that programs will enable children to speak, read, write, listen and comprehend the English language and meet challenging State academic content and student academic achievement standards.

### Historically Favored Models in Missouri

In Missouri, ELs are traditionally supported by an ESOL-endorsed teacher apart from the general classroom and curriculum. Districts opting to use one of these models must realize that the majority of the school day is spent in the general education classroom. ELs are entitled to an equitable education and attention must be paid to how ELs are supported in all classrooms in the building. With that in mind, the following models satisfy the requirement of an "educationally sound program."

<b>Pull-Out ESOL (POE)</b>	Typically used at the elementary level, students are pulled out of the regular classroom for intensive English instruction.
<b>ESOL Class Period</b>	Typically used at the secondary level, students receive intensive English instruction in addition to core content classrooms. English credit may be awarded for these classes.
<b>ESOL Resource Classroom (RSC)</b>	Essentially, a resource classroom is the secondary variation of the pull-out model. The resource classroom is not limited to one content area, rather an ESOL certified teacher focuses on English skills across multiple disciplines.

## English for Speakers of Other Languages (ESOL)

Below are brief descriptions of typical ESOL models and how the model is coded in MOSIS. These models comprehensively address an EL's needs in all classrooms. ESOL models utilize an English-only approach, but do use the native language to clarify misunderstandings. It is important to understand that although English instruction in the content areas is the goal, over-modifying the curriculum or simplifying language can detract from the true goals of the grade-level standards and expectations.

<b>Structured English Immersion</b> (SEL)	In this program, all students are ELs and receive specialized English-only instruction in all core content areas. There is no explicit ESOL instruction; rather, the language of the content areas is the medium of instruction. The use of the native language is acceptable, but only to clarify the English instruction. Most students exit this program after two or three years.
<b>Content-Based ESOL</b> (CBE)	This approach to teaching English as a second language makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction (Crandall, 1992).
<b>Sheltered English</b> (SHC)	Similar to CBE, Sheltered Instruction is an instructional approach used to make academic instruction in English understandable to English learners to help them acquire proficiency in English while at the same time achieving in content areas. Sheltered English instruction differs from ESL in that English is not taught as a language with a focus on learning the language. Rather, content knowledge and skills are the goals. In the sheltered classroom, teachers use simplified language, physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies and other subjects (National Clearinghouse for Bilingual Education, 1987).
<b>Newcomer Centers</b> (NWC)	Provide a safe and supportive context for students who are new to both school and the U.S. before they move into a regular school; could provide assessment and initial English instruction and classes to help students adjust culturally, socially and academically. Instruction is typically in English, but the first language is used when needed.

## Bilingual Models

Research continues to show that bilingual education has positive effects on EL achievement. Although rare in Missouri, the following program models allow students to develop two languages simultaneously.

<b>Bilingual Immersion/Dual Language</b> (BLI)	Also known as two-way immersion or two-way bilingual education, these programs are designed to serve both language minority and language majority students concurrently. Two language groups are put together and instruction is delivered through both languages. For example, in the US, native English speakers might learn Spanish as a foreign language while continuing to develop their English literacy skills and Spanish-speaking ELs learn English while developing literacy in Spanish. The goals of the program are for both groups to become biliterate, succeed academically, and develop cross-cultural understanding (Howard, 2001).
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<b>Early and Late Exit Programs/ Transitional Bilingual (ELE)</b>	Transitional Bilingual is an instructional program in which subjects are taught through two languages--English and the native language of the English language learners-- and English is taught as a second language. English language skills, grade promotion and graduation requirements are emphasized and L1 is used as a tool to learn content. The primary purpose of these programs is to facilitate the LEP student's transition to an all-English instructional environment while receiving academic subject instruction in the native language to the extent necessary. As proficiency in English increases, instruction through L1 decreases. Transitional bilingual education programs vary in the amount of native language instruction provided and the duration of the program (U.S. General Accounting Office, 1994). Transitional Bilingual programs may be early exit or late-exit, depending on the amount of time a child may spend in the program.
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### Capacity Building Models

A growing number of schools are recognizing that in order for ELs to be successful in all facets of school, any teacher who has an EL in class is comfortable adapting or modifying instruction and assessments. The following models allow the ESOL teacher the opportunity to build the capacity among the district staff to support ELs in all classrooms.

<b>Co-Teaching</b> (no MOSIS code)	The co-teaching model pairs an ESOL certified teacher with a mainstream teacher to deliver effective instruction to all students in the classroom. However, specific attention is given to ensure ELs are able to access the curriculum. The goals are the same for most ESOL-based program models.
<b>ELD Coaching</b> (No MOSIS Code)	ELD Coaching is an approach to train all teachers over time to deliver effective instruction for English learners. This model recognizes and plans for the multiple duties of ESOL certified teachers. Districts cluster students into specific classrooms and the ELD Coach assists individual teachers or grade level teams in designing, delivering and assessing effective instruction for ELs. The ELD Coach is also available for interventions, co-teaching and other strategies to support the student.

### The Missouri Learning Standards (Content) and Show-Me Standards (Process)

The Missouri Learning Standards define the knowledge and skills students need in each grade level and course for success in college, other post-secondary training and careers. These grade-level and course-level expectations are aligned to the Show-Me Standards. <http://dese.mo.gov/show-me-standards>

The latest iteration of expectations aligned with the Show-Me Standards are called the Missouri Learning Standards. The Missouri Learning Standards help ensure students learn basic and higher-order skills, including problem solving and critical thinking. The standards are relevant to the real world and reflect the knowledge and skills students need to achieve their goals. Learning outcomes improve when students, parents and teachers work together toward shared goals. The Missouri Learning Standards give school administrators, teachers, parents and students a road map for learning expectations in each grade and course. <https://dese.mo.gov/college-career-readiness/curriculum/missouri-learning-standards>

The Missouri Learning Standards include grade-level and course-level expectations for the following subjects:

- English language arts & literacy
- Mathematics
- Science
- Social studies
- World languages
- Fine Arts
- Health/Physical Education
- Guidance & School Counseling
- Career & Technical Education
- Personal Finance

### **The Missouri English Language Proficiency/Development Standards**

Section 3113 (b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires state agencies to establish standards and objectives for raising the level of English proficiency in the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging state academic content and student academic achievement standards.

Missouri joined the [WIDA Consortium](#) in June of 2010 and adopted the WIDA English Language Development (ELD) Standards. As a multi-state consortium of state departments of education, WIDA acts in collaboration to research, design and implement a standards-based educational system that promotes equitable educational opportunities for ELs.

The five broad, overarching standards specifically address academic language development and proficiency and should be integrated with the Missouri Learning Standards in the core content areas to facilitate academic achievement.

#### **WIDA ELD Standards are:**

- English language learners communicate for **Social** and **Instructional** purposes within the school setting
- English language learners communicate information, ideas and concepts necessary for academic success in the content area of **Language Arts**
- English language learners communicate information, ideas and concepts necessary for academic success in the content area of **Mathematics**
- English language learners communicate information, ideas and concepts necessary for academic success in the content area of **Science**
- English language learners communicate information, ideas and concepts necessary for academic success in the content area of **Social Studies**

#### **The Language Domains**

Each of the five English language proficiency standards encompasses four language domains that define how ELs process and use language.

- **Listening** - process, understand, interpret, and evaluate spoken language in a variety of situations



- **Speaking** - engage in oral communication in a variety of situations for a variety of purposes and audiences
- **Reading** - process, understand, interpret, and evaluate written language, symbols, and text with understanding and fluency
- **Writing** - engage in written communication in a variety of situations for a variety of purposes and audiences

The WIDA ELD Standards are designed as a curriculum and instruction planning tool. They help educators understand students' ELP levels and how to appropriately challenge them to reach higher levels.

### **WIDA Standards and their Matrices**

WIDA's ELD Standards Matrices are directly aligned to a corresponding grade-level content standard. They utilize five English proficiency levels—entering, emerging, developing, expanding, and bridging—to demonstrate the progression of a student's English language development.

The key elements of the standards matrices are:

- 1) An explicit connection to the content standards
- 2) A consistent cognitive function across the levels of language proficiency
- 3) Topical, grade-level vocabulary related to the content-based example
- 4) A context for language use

The basic format of the matrices is represented with language proficiency levels along the horizontal strand and one of the language domains (listening, speaking, reading, and writing) along the vertical axis. The matrix then gives examples of language use known as a Model Performance Indicator.

### **Model Performance Indicators (MPI)**

A Model Performance Indicator is the smallest unit of a topical strand that exemplifies a specific level of English language proficiency consisting of a language function, content stem, and supports. A strand of MPIs contains the five levels of English language proficiency for a given topic and language domain.

Educators can then use strands as they are or transform them to:

- a) match students' performance to levels of language development
- b) create language targets and objectives that go beyond students' independent level of language proficiency
- c) differentiate the language of the content to match the level of students' language proficiency

Detailed information regarding the Model Performance Indicators may be found in the document titled *Understanding the WIDA English Language Proficiency Standards: A Resource Guide* at [wida.wisc.edu/](http://wida.wisc.edu/) in the download library, beginning on page RG14.

### **The Performance Definitions**

The Performance Definitions are a key component of the standards documents, and the use of the standards and corresponding MPIs must be in conjunction with the Performance Definitions. The MPIs, delineated by language proficiency level, give example expectations for what students should be able to process and produce at a given proficiency level. The Performance Definitions describe how well the student can or should be expected to do so. At the given level of English language proficiency,

English language learners will process, understand, produce, or use linguistic complexity and vocabulary.

The language performance levels outline the progression of language development implied in the acquisition of English as an additional language, from one (1) Entering the process to six (6) Reaching the attainment of English language proficiency. The Performance Definitions define the expectations of students at each proficiency level. The definitions encompass three criteria for the features of academic language: linguistic complexity – the amount and quality of speech or writing for a given situation; vocabulary usage – the specificity of words or phrases for a given context; and language control – the comprehensibility of the communication based on the amount and types of errors. Detailed information regarding the Performance Definitions may be found in the document titled *2012 Amplification of The English Language Development Standards Kindergarten - Grade 12* at [wisc.wida.us](http://wisc.wida.us) in the Resource Library, beginning on page 7.

### **CAN DO Descriptors**

The CAN DO Descriptors provide teachers with excellent examples of what a student at each proficiency level can be expected to be able to do and provide guidance that allows teachers to differentiate instructional tasks to fit the needs of individual students. Information regarding the CAN DO Descriptors may be found in *Understanding the WIDA English Language Development Standards Resource Guide* beginning on page RG57 at [wida.wisc.edu/](http://wida.wisc.edu/) in the download library.

### **Implementing ELD Standards**

Missouri Standards for English Language Proficiency/Development are to be approached with a full understanding of what they are and what they are not. They provide guidelines born of experience and scientifically derived knowledge. Their effectiveness depends on the knowledge, skills, and experiences of the teachers and administrators who use them to formulate meaningful learning experiences modified to meet student needs. They can be used to provide rigorous evaluations of those experiences, and to design the continuous improvement plans which should be a part of all successful school programs. Notably, these standards:

- do not constitute a curriculum to be followed
- are not an exhaustive list of activities which will lead to language competency
- do not provide accurate grade level placement guidelines
- do not provide all the skills or competencies which are required for success in core academic subjects
- are not necessarily connected to any specific items which might be found on district or state competency examinations

Rather, the Missouri English Language Proficiency/Development Standards serve two basic functions: first, they tie classroom activities back into the Missouri Learning and Show Me Standards; second, they give the practitioner a framework within which district-wide, school-wide, and classroom curriculum and instruction can be integrated. They serve as a critical resource for understanding the linguistic needs and abilities of

ELs, creating ESOL instructional models, writing curricula, designing assessments, and monitoring ELs' progress as they move through the stages of language proficiency.

## Curriculum

With the development of the Missouri Learning and Show-Me Standards, and the accompanying MAP tests, schools have available both the state's educational goals and a means to measure student performance against them. Sections 1 and 3 described how ELs have a legal and educational right to schooling that assists them in meeting these standards. The following discussions of curriculum focuses on a few additional guidelines which can help schools ensure that their programs respond to the unique educational needs of linguistically diverse students.

The ELD curriculum used must be tied to scientifically based research on teaching ELs and must have demonstrated effectiveness, which involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to educational activities and programs. Local school systems will use the Missouri English Language Proficiency/Development Standards as a basis for developing their own curricula, incorporating a scope and sequence that can be adapted to their individual program requirements and their EL population. With the Missouri English Language Proficiency/Development Standards as a guide and through collaboration of EL and content area teachers, ELs will be provided with quality instruction that enables them to meet school expectations, perform well on mandated assessments, and become college and career ready.

### Missouri School Improvement Program (MSIP)

#### [MSIP 5 Resource and Process Standards and Indicators](#)

**I-5 The local board of education adopts and district staff implement, review, and revise a rigorous, guaranteed, and viable curriculum for all instructional courses and programs.**

- 1) The district has a rigorous, written curriculum that includes the required components and is aligned to the most recent version of Missouri's academic standards and the English language development standards.
- 2) Essential content and skills that all students should know and be able to do have been identified.
- 3) Adequate instructional time is available to implement the written curriculum.
- 4) The written, taught, and assessed curriculum are the same.
- 5) Written procedures are in place and administrators ensure that the written curriculum is implemented and is a part of the district's program evaluation plan.
- 6) The district's written curriculum development and revision processes include K-12 vertical teams of instructional staff and administrators (including teachers of all student populations) who meet regularly to ensure articulation and vertical alignment. When Prekindergarten (PK) is offered by the district, instructional staff shall be included in the curriculum and development revision processes. (MISP 5, 2013)

## **Aligning the Curriculum**

It is critical that the content of these settings be aligned with the district's overall curriculum for the subject and grade level. Ideally, this is accomplished at the same time that the EL curriculum is developed. If the district's curriculum is aligned with state standards, then adapting the curriculum should maintain that alignment. Administrators can support this effort by allowing teachers and curriculum developers a time to meet and coordinate EL teaching with the regular classroom program.

Outcomes of effective curriculum alignment would include:

- Content and language goals/objectives for each unit, topic or theme
- Specific Missouri Learning and Show-Me Standards covered
- Measures both formative and summative for evaluating unit, topic or theme

## **Grading**

The General Assembly has elected to give the responsibility for the operation of a Missouri school district to a local board of education rather than create a state controlled educational system. The local board of education has been given the primary duty of establishing the procedures, rules, and regulations for a school district, as well as for the schools within that district. Establishing the grading policy for the schools within the district is an example of decisions that are considered local decisions.

Grading policies become especially critical at the secondary level. However, the following guidelines can help make the policies more equitable for ELs. Instruction and assessment in content classrooms must be differentiated based on students' English proficiency level (Lau v Nichols, 2014, MISP 5 Process and Resource Standard-Instruction). Expecting ELs to do the same work with the same resources and assessments as non-ELs is a violation of the student's civil rights. The key to appropriate grading policies and decisions for ELs is making conscious decisions about what a student can do to show mastery of a content standard within the limitations of his/her English proficiency level.

Usually already available is a Pass/Fail grading alternative, but perhaps not in courses the EL student is taking. It is especially important to consider this alternative if the EL student is in a class where the English expectations are beyond the student's abilities. EL students putting forth the effort and making steady progress, but not qualifying for an A, B, or C, should be considered for pass/fail also. In order for the pass/fail grade to make sense, though, a narrative explaining what subject matter has been learned should accompany the grade. However, providing multiple pathways for students to demonstrate their understanding of the curriculum and standards based on their English proficiency level is the best - and most equitable - method.

An Individualized Career and Academic Plan offers a comprehensive approach to academic goals and objectives for evaluation. Objectives for the student, and strategies for attaining them, are developed according to grade level and ELD need. A representative group such as the student's teacher(s), counselor, and ESOL teacher develops and periodically reviews the plan. The following items are discussion points the team should consider when creating a motivating pathway to graduation.

- Any specific graduation requirement may be waived for an EL if recommended by the IAP team.
- ELs may be graded on modified scales, as determined by their IAP team. If this is the case, it must be indicated as such in the student's IAP.
- ELs should receive grades and have their grades transcribed the same as other students when they complete the same courses as other students with no modifications.
- ELs who have courses modified to accommodate their English proficiency level should receive grades and have them transcribed the same as other students on their report cards. Transcripts may indicate that the EL has taken classes with a modified or alternate education curriculum.

## **ESOL credit**

There are no restrictions on how many ESOL classes a school may accept for credit towards graduation. A sheltered World History classroom may cover the same key skills and concepts as the regular course. Even in the case of language arts, an ESOL class may provide students with the kinds of communicative strategies and skills as regular English classes, and students should be given credit for it. Typically, students should earn credit for the content area they are studying, irrespective of how the content was delivered (i.e. Sheltered Instruction).

Also, ELs should not be discouraged or prohibited from enrolling for credit in foreign language classes that may, in fact, be their first language. English-speaking students are still required to take English even though they know the language! Most foreign language teachers would welcome the opportunity to have their students interact with a native speaker, and to use the student's background and cultural knowledge as a basis for class work and discussion.

Rather than viewing them as exceptions, schools that have been successful teaching ELs see ESOL classes more as accommodations that allow students access to a much wider range of coursework. These accommodations allow students to benefit from the course content while they are developing English language skills. In other words, effective school programs for ELs view language as a means to an end, and not as the end itself.

## **Program Guidelines for ELs with Disabilities**

Considering program guidelines for ELs with Disabilities, as with other populations, one might expect to find a range of abilities among students whose English proficiency is limited. The difficulty often arises in determining whether a learning problem is related only to ELP level or whether the student has an actual disability. Students learning English, because of their cultural and linguistic background, have special instructional needs. When a student is having difficulty mastering specific skills, it is important for the teacher to differentiate the instructional strategies and/or instructional pace for the student. Just because the student requires accommodations to his/her program, it does not

necessarily mean that he/she has a disability or that he/she should be referred to for a comprehensive evaluation for possible special education services. (See [Appendix H](#)).

If the student continues to have difficulty after consistent language differentiation and instructional interventions have been implemented, the student can be referred for a comprehensive evaluation **IF** the team suspects a disability. The ESL teacher has training in English language acquisition regardless of the student's first language and should be a member of the team considering the referral. The ESL teacher is also familiar with the usual rate and stages of acquisition, as well as the typical errors to be expected. Once a referral is made, a comprehensive evaluation is conducted. The evaluation team will determine if the student is eligible to receive special education services as a student with a disability under the Individuals with Disabilities Education Act (IDEA).

If the student is eligible for special education services, an Individual Education Program (IEP) is developed by the IEP team which includes required members as specified in the Missouri State Plan Special Education, IDEA, Part B <http://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials/IDEAPartB-2014>. The IEP should address the student's need(s) for services based on the students' disability to be able to progress in the general education curriculum. If the IEP team deems appropriate, language assistance and support can be addressed in the present level of academic achievement and functional performance. If appropriate, ELs may be served through both programs.

If the severity of the student's disability indicates more special education services are needed to meet the student's needs rather than ESL services, the ESL specialist should work with school and district personnel to set up a consultative model for that student's language development.

The ESL specialist should meet regularly with the special education teacher and maintain a record of consultations. Missouri uses ACCESS for ELLs as its annual English Language Proficiency assessment. Students who are in monitored status for EL do not take the assessment. Form D is used by the IEP team to address the student's participation with or without accommodations. For additional information, refer to: <https://dese.mo.gov/college-career-readiness/assessment/el-assessment>.

# Section 6

## Reclassification: The Process for Exiting Services

Just as important as determining when a linguistically diverse student needs the assistance of a bilingual or ESOL program, is determining when that student no longer needs it. This determination, also called reclassification, needs to be based on assessment of both ELP and subject-area knowledge. In an effort to provide additional guidance and clarity to improve the process school districts use in transitioning ELs from direct language instruction into regular-education settings, the department is outlining how ELs are reclassified as proficient by districts in Missouri. Reclassification is based on the annual ELP assessment ACCESS for ELLs test results and additional factors.

### Student Reclassification (exiting) Criteria

In the case of English language proficiency, DESE defines a proficient student as one who scores a 4.7 or above on the yearly ACCESS for ELLs assessment. It is recognized that such a high-stakes decision should not rest on one test score alone and consequently, the reclassification policy reads as follows:

ACCESS Scores	District Actions
<b>4.7-6.0</b>	The student must be exited barring compelling evidence in the EL Portfolio suggesting the student should remain in the LIEP.
<b>Below 4.7</b>	The student must remain in the LIEP barring compelling evidence that the student is capable of fully participating in a classroom where English is the language of instruction. A traditional or digital portfolio must be collected and include evidence that any unsatisfactory domain score on the ACCESS is not indicative of her or his ability.

Note: Students with disabilities under the Individuals with Disabilities Education Act (IDEA) should meet the above criteria or have Individual Education Plans (IEPs) that specify parallel, alternate standards-based criteria

Districts have flexibility on how additional evidence is gathered, the extent to which it is gathered, who collects and stores it and the final decision as to whether the evidence is sufficient to reclassify the student. ESSA has included provisions that scores on standardized content assessments (MAP Grade-Level, EOC) must not be considered when making reclassification decisions.

Another piece of evidence that should not be considered as a basis for transition is time in the ESOL program. Arbitrary program time limits as the basis for transitioning students from language support programs are not supported by language acquisition research or program evaluation. ELs should be transitioned from ESOL services based on ELP and progress in academic skills.

Too many factors contribute to student progress to make a single time period appropriate for all ELs. Several decades' worth of research on language minority student academic achievement clearly indicates that anywhere from five to ten years are needed for a given student to reach parity with same-age peers.

Even after being transitioned, ELs must receive two-year periodic follow-up to ensure that they no longer need ELD services. More information can be found in the [Identifying and Reclassifying English Learners](#) guidance document.

## Required Monitoring

Missouri LEAs are required to monitor all students for two school years after exit from LEP classification. Districts must keep documentation (state assessment scores, final ELP scores, parental notification) on file throughout the two-year monitoring period. Students in the monitoring period do not take the yearly ACCESS for ELLs.

During this time, LEAs are to provide assistance or support in the general education classroom for all students who struggle academically. LEAs continue to have the responsibility of ensuring that all students are successful in meeting state standards. Occasionally, this means that a monitored student may need to be re-admitted to the ESOL program, if the student's academic problems are determined to be as a result of continued difficulty with their ELP.

For purposes of accountability, in the first year of monitoring the student is classified as **LEP/MY1**. The second year the student will be reclassified as **LEP/MY2**. At the end of the second school year on monitor status, districts will no longer be required to keep documentation on file showing successful performance in the general education setting. However, these former ELs will continue to be included in accountability measures for an additional two years. The codes used after MY1&2 will be **LEP/AY3** and **LEP/AY4**. After the fourth and final year, students will be coded as **NLP**.

## Required Notification

Parental notification describing student's English Language Proficiency and supporting evidence should be retained on file. It is expected that parents be consulted prior to their formal notification. There should be consensus among the educators and parents about reclassification, and district policy should have procedures to follow when parents wish to have their child maintain LEP status.



## Section 7

### Program Evaluation

Ongoing measures of effectiveness will allow programs to adapt and improve services in a timely manner. Sometimes so much effort is put into designing and implementing an effective ESOL program that a means for determining just how effective it is gets neglected. The best evaluations come from evidence automatically generated by the program itself through process indicators. These can be built into the program so that by its very functioning, those working in the program as well as those who supervise or administer it can readily assess progress towards the stated goals.

#### Program Effectiveness

The best way to maintain a finger on a program's pulse is to ensure an understanding of the program's goals by all of its participants. This means involving the teachers, support staff, and administrators in the development of the program itself. By doing so, both formative (measures of program progress) and summative (measures of program outcomes) indicators of success can inform evaluation and improvement.

In addition to evaluation plans that work with educational programs in general, some characteristics of programs for ELs are unique and should be taken into account in determining program effectiveness. For example, while it is the ultimate goal of any ESOL program to help students reach the state standards for academic achievement, basing a decision of program effectiveness solely on the results of large scale, standardized tests would be misleading.

In order to provide a balanced picture of program effectiveness, the following areas need to be evaluated:

- Student progress (achievement) - How far has the student come since entering the program?
- Program accuracy - How well does the program correlate with and prepare students for grade-level work?
- Program content - How well do students access the curriculum?
- Program context - How well do the instruction and setting contribute to student progress?
- Professional development - How well does the program allow for the continued growth of its staff?
- Parental involvement - How well are students' parents apprised of the program and involved in their students' education?

The US Department of education has compiled guidance and resources to assist districts in conducting program evaluations and can be found at the following link: [EL Toolkit](#).

If desired, it is possible to hire an outside program evaluator. Recommendations can be obtained through most of the regional and state agencies listed at the end of this document, and from districts that have used them.

## Biennial Evaluation

Districts that receive Title III funds must have in place a biennial evaluation report including the following information:

- a description of the programs and activities conducted during the two immediately preceding fiscal years
- a description of the progress made by ELs in learning English and meeting challenging state academic content and student achievement standards
- the number and percentage of children attaining English proficiency at the end of each school year
- a description of the progress made by students in meeting challenging state academic content and student achievement standards for each of the two years after students are no longer receiving services
- the percentage of children that:
  - 1) are making progress in attaining English language proficiency
  - 2) have transitioned into classrooms not tailored to ELs
  - 3) are meeting the same challenging state academic content and student achievement standards as all other children
  - 4) are not receiving waivers for reading or language arts assessments.

## Section 8

### Family and Culture

The subject of family and cultural influences on schooling is far too broad to address adequately in a few pages. However, it is absolutely essential that all of the foregoing program considerations, from planning to evaluation, be framed by an awareness of and sensitivity to the diverse cultural expectations students and their families bring to school. These expectations can be easily overlooked as educators become engrossed in the program development and implementation concerns. One way to avoid forgetting who the program recipients are is to involve the parents and community in program planning and implementation. The remaining discussion indicates some of the ways school personnel can address the varied socio-cultural backgrounds of ELs and their families.

#### Family and Home

Dress, appearance and speech may all attest to the fact that students come from home environments quite distinct from those of most English-speaking students, but sometimes LEAs assume that all families and students are prepared for and view school similarly. These assumptions lead to difficulty for schools, families and students. In fact, families' cultures bring widely varying views of school, education, and teaching. They hold different expectations for, among other things, the role of the teacher, and the length of time one should go to school, the outcomes of schooling, and even whether males and females should study.

This diversity can also mean that involving parents in their children's education may be challenging. It is clear, however, that programs which do find ways of involving parents are successful not only within the school, but in the larger community as well. The following considerations have proven helpful in programs where parent involvement is high:

- Determine the cultural expectations for communicating with families.
- Will teachers personally call or visit families?
- Would parents be more comfortable meeting at school, or meeting at a neutral site?
- Is there an institution or contact person for the community (an elder member or ecclesiastical leader)?
- Who is an appropriate interpreter, if needed (e.g., male or female)?
- Orient families to the school (location, policies, communication, etc.) with language or visual supports.
- Be mindful of other considerations: housing, counseling, employment or nutrition assistance, and health.
- Offer relevant educational services to the parents: English classes, vocational training, and so on.

Larger cities often have organizations and churches that also work with newcomer families in different capacities. The state Department of Social Services, Vocational Education, and other regional groups also

have services to offer migrant and immigrant families. Schools have found that collaborating with these kinds of organizations provides more balanced support for families, and relieves the burden on the school.

If a particular group of people is likely to stay in one area for any length of time, the district will greatly benefit from developing a file on their social and cultural practices and the school's experiences with them. It is important that this information be provided to ALL school personnel, in order to minimize cultural misunderstandings.

### **Parent and school information sharing**

The significance of parental involvement cannot be overemphasized. In order for parents to get to this point, the school must have clearly articulated its program and expectations for ELs in a language that the parents can understand. The families of ELs are resourceful in providing information about their children. School personnel are encouraged to interact with the new families to gather the linguistic, social and cultural resources of their new students and their communities of origin. During school and family conversations, questions may include language use practices, students' life at home, parents' expectations, parents' knowledge about schooling, and their areas of expertise for future collaboration. School personnel may share information related to the American education system, expectations, opportunities and any available resources at school and in the host community.

### **Facilitating Parental Contact**

One of the biggest challenges to parental involvement is that of making school accessible. The work situation of the parent/guardian of ELs may limit their availability. As a result, teachers may need to be innovative in their attempts to meet with or contact parents. Things to consider include:

- type of work parents are involved in: agricultural, food processing, etc.
- availability of factory or business facilities (offices, classrooms) for meetings
- settings that are attractive to parents (a park or library as opposed to school)
- child care
- the language of announcements and meetings

Cultural backgrounds and many other factors may prevent EL parents/guardians from attending school meetings, conferences, open houses, etc. School administrators must adapt their schedules to allow choices. Schools are advised to inform EL parents/guardians as soon as activities are planned to allow them to make arrangements at work.

### **Parental Literacy**

The education of ELs can be complicated by family background and home environment. Students may come from families where only certain kinds of schooling are valued, or where a child may only be expected to attend school until he or she is old enough to work or get married. There may not be a history of educated, or even literate, family members with whom children can interact. Expectations for parental involvement in school needs to be balanced with an understanding of each student's home background. For example, sending home native language books for parents to read with their children can be counterproductive if the parents are illiterate.

Regardless of the educational background or literacy of the parents, communication among family members is crucial to any child's growth and development. Schools should not impose limitations on family interactions.

**Parents should NOT be told to speak only English with their children.**

There are two important reasons for this. One, family communication involves emotion and identity. To limit communication is to limit the interpersonal interactions, which help develop this identity. Two, if the parents are not proficient in English, the English model to which children are exposed will be deficient, and can establish non-standard patterns which are difficult to overcome in school.

Parents should be encouraged to teach their children what they do know, and even reinforce new concepts at home in the native language, if possible. A few examples of printed materials that can involve parents are listed in the Resources section.

## **Parental Communication**

From "Helping to Ensure Equal Access to Education, Report to the President and Secretary of Education" 2012: Districts must:

"Develop a plan to provide services to LEP parents that ensures that they have meaningful access to the district's programs; the plan will include providing interpreting and translation services for all non-English languages."

This means that districts are expected to provide interpreting and translation services for all home languages within the district. Some educational programs, such as Title I and Special Education, include specific requirements to use the home language in communicating with parents; many schools still neglect to consider this option in all areas. While it may seem like a daunting task, the reality is that in most cases, there are web-based translation sites, dedicated translation programs for many platforms, extended family members, volunteers, higher education staff or students, or other persons able to provide written and spoken translation of school policies, announcements and program information. Many statewide and nationwide programs have information available in common languages already (e.g., Spanish).

Taking the time to communicate with parents in the language they best understand will increase parental involvement and interest in school, prevent misunderstandings about program services and purposes, and even serve as support for the native language.

## **Culture**

Too often, our views of other cultures consist of items such as food, music, art, and holidays. How many times has your school had a day or month devoted to a particular people or culture, but the celebration consisted of food samples, famous people, or pictures of clothing? While these things are important, they are only outward manifestations of people's encounters with and perspectives on the world. Only by

recognizing the beliefs and perceptions underlying those manifestations will we create more equitable educational experiences.

For this reason, some people talk of culture as an iceberg; only a small part of it is visible, and sometimes not being aware of the greater part leads to accidents or disaster. Interestingly, many of the laws regarding the equitable treatment of students do imply consideration of the underlying aspects of culture that give meaning to our lives. Schools are to be considerate of and avoid preferential or inappropriate treatment of students based on gender, linguistic background, race, religion, and handicapping conditions.

## **Culture Shock**

The first and perhaps most difficult issue to confront is the realization that one's personal view of the world is not the only or right view of the world. This realization sometimes comes if we have traveled to another country, or even to an unfamiliar part of the U.S. At such times we may find that our assumptions and expectations about things such as promptness, neatness, personal hygiene, driving, shopping, respect, personal space, and a hundred others are challenged.

It is then, depending on how long we remain in that context, that most of us find that we go through varying degrees of feeling excited, intrigued, lonely, depressed or even angry. These reactions to the unfamiliar have been called "Culture Shock." The process of working one's way through these reactions and coming to terms with the new setting may take a few weeks or a few months. Some never do adjust.

ELs also go through varying degrees of culture shock. Teachers can lessen the difficulty of adjusting by respecting and understanding students' backgrounds and asking them to contribute their customs, beliefs, and behaviors to class and school. Having other students become classroom buddies with new students can also help students develop social skills more quickly.

## **A Few Basics**

There are some general areas of cross-cultural significance that all educators should recognize. Those who want more detailed help with or training in multicultural issues can refer to the Resources section.

Touch	Some cultures frown on touching the top of the head. Some cultures have taboos about which hand is used to eat or pass out papers with.
Gesture	“OK,” “Come Here,” even pointing at someone may be signaled differently, or not at all, in different cultures.
Space	U.S.-born Americans often expect much more personal space (up to arm’s length) than do other cultures (as little as a few inches).
Look	Student eye contact with a teacher or adult is inappropriate in some cultures.
Dress	Some students may dress up for special assignments or days; some cultures have different expectations for males and females (such as keeping females’ heads, or entire bodies, covered).
Role	Other cultures expect students to cooperate in different ways; some expect the good of the group to come ahead of the individual.
Topic	Appropriate topics of discussion vary from place to place: age, politics, job, marital status, and so on. Some conversations are appropriate for mixed groups; other topics are for male- or female-only groups.
Y/N	The meaning of “yes” and “no,” as well as their expression, vary from culture to culture. Many cultures consider it rude to negate or deny a request or question outright; instead, disapproval may be signaled in a roundabout way.
Label	Terms for some groups (e.g., “Asian”) actually encompass a wide variety of peoples and cultures. Others (e.g., “Hispanic”) are not necessarily widely accepted; individuals may consider themselves something else (“Latino or Latina”; “Chicano or Chicana”).
Name	In some cultures, names are rarely used to identify family members, older community members, etc. Students will say sister, aunt, teacher, etc. Teachers should not insist that the students call them by name. Many students will simply say, “Teacher” or “Miss.” This is meant as a term of respect.
Food	There are some foods that must not be eaten for religious or cultural reasons. This must be respected. Conversely, some cultures eat things that are not typically eaten in the United States.

## Flexibility and School Expectations

There are no easy rules for when to accept different student behavior and when to insist on conforming to the rules of the school. Obviously, behavior that poses a threat to others cannot be tolerated. The key again is effective communication with the parents. When students enroll in school, parents need to not only receive a school policies handbook, but also understand the contents. They need to know why the policies are in place. At the same time, schools should communicate a desire to understand the new student(s), and a willingness to accommodate different beliefs and expectations to the extent practicable.

This may mean allowing students time for religious practices that don’t follow a Judeo-Christian calendar, for example. Or it may mean allowing different dress when students participate in athletics. As with other new experiences for schools, contact with other districts that have worked through these issues can provide valuable models or suggestions for how to deal with linguistically and culturally diverse students.

# Glossary

## Key Terminology

*It is important to understand how educators and educational statutes use certain terms.*

### **Accent:**

- A set of shared variables, related to pronunciation, common to a particular speech community. Accent refers only to distinctive features of pronunciation, whereas dialect refers to distinctive lexical, morphological, and syntactic features.
- A set of phonetic traits on one language that is carried over into the use of another language a person is learning (foreign accent).

**ACCESS for ELLs - Annual English Language Proficiency Test:** ACCESS for ELLs is a secure large-scale English language proficiency assessment given to Kindergarten through 12th graders who have been identified as English language learners (ELs). It is given annually in WIDA Consortium member states to monitor students' progress in acquiring academic English and meets all requirements of ESSA for testing and reporting of English proficiency.

**Acculturation:** The process by which members of a cultural group integrate their values with those of the dominant culture as they adapt to a new cultural environment.

**Additive Bilingualism:** The acquisition of a second language by an individual or group without the loss or displacement of the first language.

**Basic Interpersonal Communication Skills (BICS):** BICS refers to the everyday or practical language skills that generally develop first and more naturally than CALP skills. Depending on many factors (e.g., age, social setting, etc.), these skills can develop in as little as 1-2 years.

**Bidialectalism:** The use of two different dialects of a given language. In terms of linguistic structure, one dialect of any language is not superior to another; however, from a social point of view, several dialects are considered to be prestigious and others are considered being non-prestigious.

**Bilingual Education:** A term describing educational programs that explicitly include the student's native language in instruction. It is also called dual language instruction when students receive the same content instruction in both their 1st language and English.

**Bilingualism:** The use of at least two languages by an individual. The degree of proficiency in the language can range from the initial stages of acquisition of two languages to advanced – speaks, understands, reads, and writes two languages at native or near-native proficiency.

**Code-Switching:** Occurs when a speaker alternates between two languages.

**Cognitive Academic Language Proficiency (CALP):** A term used by Jim Cummins to describe the scholastic, formal use of language that is typically found in academic texts and settings, as opposed to the more informal, interpersonal kind of language used in everyday settings. This proficiency develops along with schooling, and can take a non-English speaker 3 to 7 years or more to refine. See BICS.

**Culture Shock:** A normal stage in the acculturation process that all newcomers go through; being in a strange place and losing the power to communicate can disrupt a person's world view, self-identity, and systems of thinking,



acting, and feeling. Students with culture shock may feel frustrated, angry, hostile, sad, lonely, and homesick. They may develop physical ailments such as stomach aches and headaches. They often experience emotional stress caused by moving to a new culture. They may exhibit depressive behaviors (i.e. excessive sleeping or inability to sleep, changes in eating habits, etc.) and may display aggressiveness or withdrawal/self-isolating behavior.

**Culturally and Linguistically Diverse Students (CLD):** Students who speak a language other than English regardless of English proficiency level. English-speaking students who have dialectal differences are not considered to be CLD.

**Culturally Diverse:** When an individual or group is exposed to, and/or immersed in more than one set of cultural beliefs, values, and attitudes. These beliefs, values, and attitudes may be influenced by race/ethnicity, sexual orientation, religious or political beliefs, or gender identification.

**Culturally Responsive Teaching:** A pedagogy that recognizes the importance of including students' cultural references in all aspects of learning.

**English for Speakers of Other Languages (ESOL):** A term for English-language programs that teach English language skills to speakers from non-English language backgrounds. The approach of choice for schools where bilingual teachers are not available, and where EL students represent many languages. ESOL is another term for "English as a Second Language" or ESL.

**English Language Learners (EL):** Refers to speakers of other languages in the process of learning English. This abbreviation may be used to indicate LEP students.

**English Language Development (ELD):** instruction that is designed to help ELs learn and acquire English to a level of proficiency that maximizes their capacity to engage successfully in academic studies taught in English.

**Fossilization:** Specific second language errors become ingrained even after the speaker has achieved a high level of second language proficiency.

**Heritage Language Learners:** Third or fourth generation residents of a country, or indigenous peoples, who retain their original cultural identity, but have not maintained oral and written competencies in a language other than English.

**Interference (transfer):** Communicative behaviors from the first language either interfere with or transferred to the second language.

**Interlanguage:** When a speaker develops a personal linguistic system while attempting to produce the target language; Interlanguage is constantly changing as the speaker becomes more proficient in the second language.

**Interpreter (highly qualified):** A professional facilitator of communication between speakers who do not speak the same language; conveys information verbally from one language to another; is fluent and literate in both languages and cultures. (May be certified or licensed).

**L1 - L2:** These abbreviations refer to one's first, or native, and second, or non-primary languages, respectively. For EL students, L2 usually means English.

**Language Dominance:** Determined by comparing skills in two or more languages; the dominant language is usually the language that is:

- Stronger (i.e., more developed)
- First developed
- Used most easily
- Preferred language used by the individual
- Consistently selected and used by the individual during conversation with bilingual individuals who speak the same dialect

**Language Loss:** A decline in a speaker's first language proficiency while a second language is being learned.

**Language Minority (LM):** Refers to a student whose linguistic background, such as country of birth or home environment, includes languages other than English.

**Language Register:** One of many styles or varieties of language determined by such factors as social occasion, purpose, and audience. More generally, register is also used to indicate degrees of formality in language use.

**Language Proficiency:** An EL's English language skills compared to the average English speaking student at the age-appropriate grade level; students must test proficient in all four language domains: reading, writing, speaking, and listening.

**Language Use Survey (LUS):** Part of the enrollment process for all students newly enrolling in a school district. The LUS may appear on the enrollment form or on a separate form.

**Limited English Proficient (LEP):** The term 'limited English proficient', when used with respect to an individual, means an individual —

- A. who is aged 3 through 21;
- B. who is enrolled or preparing to enroll in an elementary school or secondary school;
- C. (i) who was not born in the United States or whose native language is a language other than English;  
(ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and  
(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or  
(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- D. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
  - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
  - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in society.

**Linguistically Diverse:** Where an individual or group has had significant exposure to more than one language or dialect.

**Long-Term English Learners:** a subset of English learners who generally have received more than seven years of language support, but whose English language proficiency appears to have fossilized about midpoint along the second language acquisition continuum.

**Native English Speakers (NES):** A "native speaker of English" refers to someone who has learned and used English from early childhood. A native speaker, as opposed to an extremely proficient second language speaker, can often make instant judgments about whether sentences "on the fringe" of the language's grammar sound grammatical.

**Non-native English Speaker (NNES):** English proficient person who learned another language before they learned English. They often speak their first language at home, while using English in school or work.

**Office of English Language Acquisition (OELA):** Language Enhancement and Academic Achievement for Limited English Proficient Students. The office of the U.S. Department of Education that is primarily responsible for the administration of Title III programs.

**Sequential Bilingualism:** Also known as successive bilingualism. This occurs when an individual has had significant exposure to a second language after the first language is well established.

**Silent Period:** The period of time when a second language learner is actively listening and learning, but speaking little (may last 3-5 months).

**Simultaneous Bilingualism:** Occurs when a young child has had significant exposure to two languages simultaneously, before one language is well established.

**Sheltered Instruction Observation Protocol (SIOP):** A framework for organizing instruction, The SIOP Model is an empirically-validated approach to teaching that supports teachers in planning and delivering high-quality instruction for all students especially English learners.

**Students with Interrupted Formal Education (SIFE):** The subset of English learners, generally in grades four through high school, who have had inconsistent schooling experiences either in the United States or their native land.

**Subtractive Bilingualism:** The acquisition of a second language by an individual accompanied by loss and displacement of the first language.

**Teaching English to Speakers of Other Languages (TESOL):** The international professional organization for educators involved with ESOL. Also refers to the discipline of teaching English to non-native speakers.

**Title III:** The part of the "Every Student Succeeds Act" authorizing appropriations for bilingual education and special alternative language programs, and the Emergency Immigrant Education program.

**Transfer:** The process wherein the knowledge or skills learned in one language is applied in the second language. Transfer can be positive and help the learner (as in the area of cognates) or negative and result in errors or interference, as in incorrect word order or false cognates.

**Translator (highly qualified):** A person who renders one written language into another language with accuracy, ensuring the integrity/intent of the message is retained (i.e., from Spanish to English or English to Spanish). (May be specifically trained, certified).

**WIDA Screener:** An English language proficiency screener test given to incoming students who may be designated as English language learners. It assists educators with programmatic placement decisions such as identification and placement of ELs. The WIDA Screener is one component of WIDA's comprehensive assessment system.

**WIDA:** The WIDA Consortium is a non-profit cooperative group whose purpose is to develop standards and assessments that meet and exceed the goals of ESSA and promote educational equity for English language learners (ELs). Through standards, assessments, research, and professional development, WIDA provides meaningful tools and information to educators working with ELs that are anchored in research-based practices for serving these diverse learners.

# Memo to Schools on Undocumented Students and Social Security Numbers

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## **GUIDELINES REGARDING THE USE OF SOCIAL SECURITY NUMBERS**

### **AND**

## **THE ATTENDANCE AT SCHOOL OF UNDOCUMENTED STUDENTS**

(This memo was sent to all district superintendents in January, 1998)

The United States Supreme Court ruled in *Plyler v. Doe*,  
457 U.S. 202, 102 S. Ct. 2382 (1982)

That a state may not deny undocumented school-aged children entry into the public school system of that state. <http://supreme.justia.com/cases/federal/us/457/202/>

The Supreme Court overturned a Texas state law denying state aid to school districts admitting undocumented children of parents coming into the country illegally.

For Missouri schools, this means that a district cannot deny admission to school or participation in any program based on a student's undocumented status. Any such discrimination would be a denial of the equal protection of the laws in violation of the Fourteenth Amendment of the United States Constitution.

Undocumented students are also protected under the federal law regarding student records.

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html> is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.

**The following section originally was part of the Privacy Act but was not codified; it may be found at § 552a.**

It states:

- Sec. 7 (a) (1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.
- (2) The provisions of paragraph (1) of this subsection shall not apply with respect to —
- (A) Any disclosure which is required by Federal statute, or
  - (B) Any disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.
- (b) Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

If mandatory disclosure is not specifically authorized under the Privacy Act, then the disclosure is voluntary. A school district may not require disclosure of a social security number or use the refusal of a student to provide a social security number as a basis for denial of enrollment. Instead, districts should have in place a procedure for assigning a school-generated number to use in place of a social security number. Parents completing a free or reduced lunch application should be allowed to write "NONE" in the blank for their children's social security number.

Students enrolling in the Missouri public schools, including those with undocumented status, are exercising a right guaranteed under the laws of the State of Missouri. To deny enrollment based on undocumented status or based on a failure to disclose a social security number violates the equal protection clause of the Fourteenth Amendment and the federal statutes previously cited. School staff responsible for enrolling students must be aware of these requirements.

Questions regarding school attendance for students with undocumented status should be directed to Craig Rector, Director, Federal Discretionary Grants, at 573-526-3232.

## THE EVERY STUDENT SUCCEEDS ACT OF 2015

(a) IN GENERAL- Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of —

- (1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;
- (2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- (3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;
- (4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;
- (5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
- (6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;
- (7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- (8) information pertaining to parental rights that includes written guidance —

(A) detailing —

- (i) the right that parents have to have their child immediately removed from such program upon their request; and
  - (ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available;
- and

(B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

(b) SEPARATE NOTIFICATION- In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

(c) RECEIPT OF INFORMATION- The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

(d) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR- For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

(e) PARENTAL PARTICIPATION-

- (1) IN GENERAL- Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can —
- (A) be involved in the education of their children; and
  - (B) be active participants in assisting their children —
    - (i) to learn English;
    - (ii) to achieve at high levels in core academic subjects; and
    - (iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.
- (2) RECEIPT OF RECOMMENDATIONS- The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.
- (f) BASIS FOR ADMISSION OR EXCLUSION- A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.



(SAMPLE)

Notification of Placement English for Speakers of Other Languages (ESOL) Program

Date: \_\_\_\_\_ ☐ Initial Placement ☐ Continuing Placement

Last Name

First Name

M.I.

Student ID

School

Grade

Dear Parent/Legal Guardian:

We are pleased to inform you that your child is eligible to receive instruction in our ESOL program for the \_\_\_\_\_ school year. Children are identified as needing services based upon your response to the Language Use Survey, teacher recommendation, and a test of English proficiency.

Screener	Date:
Language Modality	Proficiency Level
Speaking	
Writing	
Listening	
Reading	
Literacy CPL	
Oral CPL	
Overall CPL	

OR

Proficiency Levels Range 1-6  
\*CPL: Composite Proficiency

ACCESS for ELLs		Date:	
Language Modality	Tier	Scale Score	Proficiency Level
Speaking			
Listening			
Reading			
Writing			
Oral Language			
Literacy			
Comprehension			

The method of ELD instruction used in ESOL program will be:

- ☐ **Structured ESOL Immersion:** The classroom teacher uses a simplified form of the second language. Students may use their native language in class; however, the teacher uses only the second language within the grade-level classroom.
- ☐ **Content-based program:** The EL teacher uses of materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction.
- ☐ **Pullout program:** Student is excused from grade-level classes for specialized English instruction with ESOL curriculum
- ☐ **Sheltered English:** Teachers use simplified content-based English language instruction, physical activities, visual aids, and the environment to teach vocabulary for concept development  
Check as appropriate: Social Studies \_\_\_\_\_ English \_\_\_\_\_ Mathematics \_\_\_\_\_ Science \_\_\_\_\_
- ☐ **Resource Classrooms:** Student are pulled from their regular classroom for supplemental instruction and students may drop in to discuss readings, complete tests, and work on projects, or do individualized units of coursework.
- ☐ **Newcomer Centers:** Students who are new to both school and the U.S. before they move into a regular school; could provide assessment and initial English instruction and classes to help students adjust culturally, socially and academically
- ☐ **Team-Teaching:** Student receives content-based English language instruction two fully certificated teachers in the general education classroom (one general education teacher and one ESL teacher) work together to provide instruction to students.  
Check as appropriate: Social Studies \_\_\_\_\_ English \_\_\_\_\_ Mathematics \_\_\_\_\_ Science \_\_\_\_\_

### Description of Program Placement Options and Goals for English Learners

All programs include English language development and teaching strategies differentiated for each student's level of English language proficiency. These strategies are used to help students to reach English proficiency in listening, speaking, reading and writing and succeed academically in all core subjects. The expectations for English language learners (ELs) are that students fully transition into mainstream classes, meet appropriate academic achievement standards for grade promotion, and graduate from high school at the same rate as mainstream students.

**You have the right to request that your child be placed in a different method of instruction if available.**

### EL Students with Special Needs

The child's ESOL program will support meeting the instructional objectives of the individualized education plan (IEP).

### Exit Criteria

Score	Action
4.7 or higher	Student is exited from the program barring compelling evidence language remains a barrier to success in classes where English is the language of instruction.
4.6 or below	Student remains in the program barring compelling evidence that language no longer remains a barrier to success in classes where English is the language of instruction. Portfolio items must be authentic works from the content areas and directly dispute specific domain scores on the ACCESS for ELLs 2.0.

### Parental Rights

You have the right at any time to refuse Title III services by contacting your child's ESOL teacher and/or the school.

**For more information about the programs of instruction or assistance in selecting a program contact:**

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Name	Title	Phone Number
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## ESSA, Title VIII, Sections 8501 – Consultations with Private Schools

<b>Purpose</b>	<p>The purpose of Title VIII, Sec. 8501 is to ensure equitable services to private school students, teachers, and other educational personnel. The section describes the conditions that state education departments, school districts, or other service providers must meet in order to provide equitable services. The section applies to the following programs:</p> <ul style="list-style-type: none"> <li>• Title I-C, Education of Migratory Children</li> <li>• Title II-A, Preparing, Training, and Recruiting Teachers and School Leaders</li> <li>• Title III-A, Language Instruction for English Learners and Immigrant Students</li> <li>• Title IV-A, Student Support and Academic Enrichment Grants</li> <li>• Title IV-B, 21st Century Community Learning Centers</li> </ul>
<b>Private School Participation</b>	<p>Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, <b><i>on an equitable basis</i></b>, special educational services or other benefits that address their needs under the program.</p>
<b>Expenditures</b>	<p>Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.</p> <p>Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.</p> <p>An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.</p>
<b>Equitable Services</b>	<p>Services and other benefits to private school students must be secular, neutral, and non-ideological (Sec. 8501(a)(2)), must be provided in a timely manner, and must be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel (Sec. 8501(a)(3)(A)).</p> <p>To help ensure such equity, the state education agency must designate an ombudsman to monitor and enforce the requirements relating to the participation of children in private schools (Sec. 8501(a)(3)(B)).</p>
<b>Timing</b>	<p>The consultation shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities.</p>

<b>Consultation</b>	<p>To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children during the design and development of the programs under this Act, on issues such as—</p> <ul style="list-style-type: none"> <li>A. how the children’s needs will be identified;</li> <li>B. what services will be offered;</li> <li>C. how, where, and by whom the services will be provided;</li> <li>D. how the services will be assessed and how the results of the assessment will be used to improve those services;</li> <li>E. the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, and the amount of funds available for those services, and how that amount is determined; and</li> <li>F. how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.; and</li> <li>G. whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and whether to provide equitable services to eligible private school children— by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or (ii) in the agency's participating school attendance area who attend private schools with the proportion of funds.</li> </ul>
<b>Discussion</b>	<p>The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.</p>
<b>Disagreement</b>	<p>If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.</p>
<b>Documentation</b>	<p>Each local educational agency shall maintain in the agency's records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that Title VIII – page 34 of 58 the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.</p>

Other statutory requirements can be found under [ESSA, Title VIII, Section 8501](#).

# Language Use Survey

Appendix E

**In order to provide your child with the best possible education, we need to determine how well he or she understands, speaks, reads and writes in English. Please provide information about your child's language**

Student's Name: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Relationship of person completing this survey: \_\_\_\_\_

## Tier I: Language Background

1. What was your child's first language? ☐ English ☐ Other: \_\_\_\_\_
2. Which language(s) does your child use (speak) at home and with others? ☐ English ☐ Other: \_\_\_\_\_
3. Which language(s) does your child hear at home and understand? ☐ English ☐ Other: \_\_\_\_\_

***If any of these answers indicate a language other than English, please complete the rest of the survey.***

## Tier II: Expanded Language background

4. Does the student understand when someone speaks with him/her in a language besides English?
5. Does the student read in a language other than English?
6. Does the student write in a language other than English?
7. Does the student interpret for you or anyone else in a language other than English?

Yes	No

## Tier III: Educational History

8. How many years did the student attend school where the native language was used for instruction? \_\_\_\_\_
9. What was the most recent month and year the student attended school? \_\_\_\_\_
10. Do you believe that your child has learning difficulties that affects his/her ability to understand? \_\_\_\_\_  
If yes, please explain: \_\_\_\_\_
11. Has your child been referred to be evaluated for special education? If yes, please explain \_\_\_\_\_

The school is required to assess the English language proficiency of all students who indicate, or are suspected of having, a first language other than English. If the results of the assessment show a student needs language support, you will be notified in writing and the school district will provide language support as deemed appropriate by district staff.

**Notice to School Staff:** This form must be given to all new and enrolling students. Any student that indicates use of a language other than English must be assessed to determine the student's English language proficiency. Please notify district staff responsible for the next steps immediately and when ready, keep this form in the student's permanent records.

## ENROLLMENT FORM QUESTIONS

### Appendix E

If a school district decides not to use a separate Language Use Survey, or prefers to screen students using the enrollment form, at least three questions should be asked of all students:

- What was your child's first language?
- Which language(s) does your child use at home and with others?
- Which language(s) does your child hear at home and understand?

Any indication that a language other than English is used or understood by the student will prompt further investigation. A good follow-up is to provide a Language Use Survey to elicit more detailed information.

# Missouri Identification Chart for English Learners

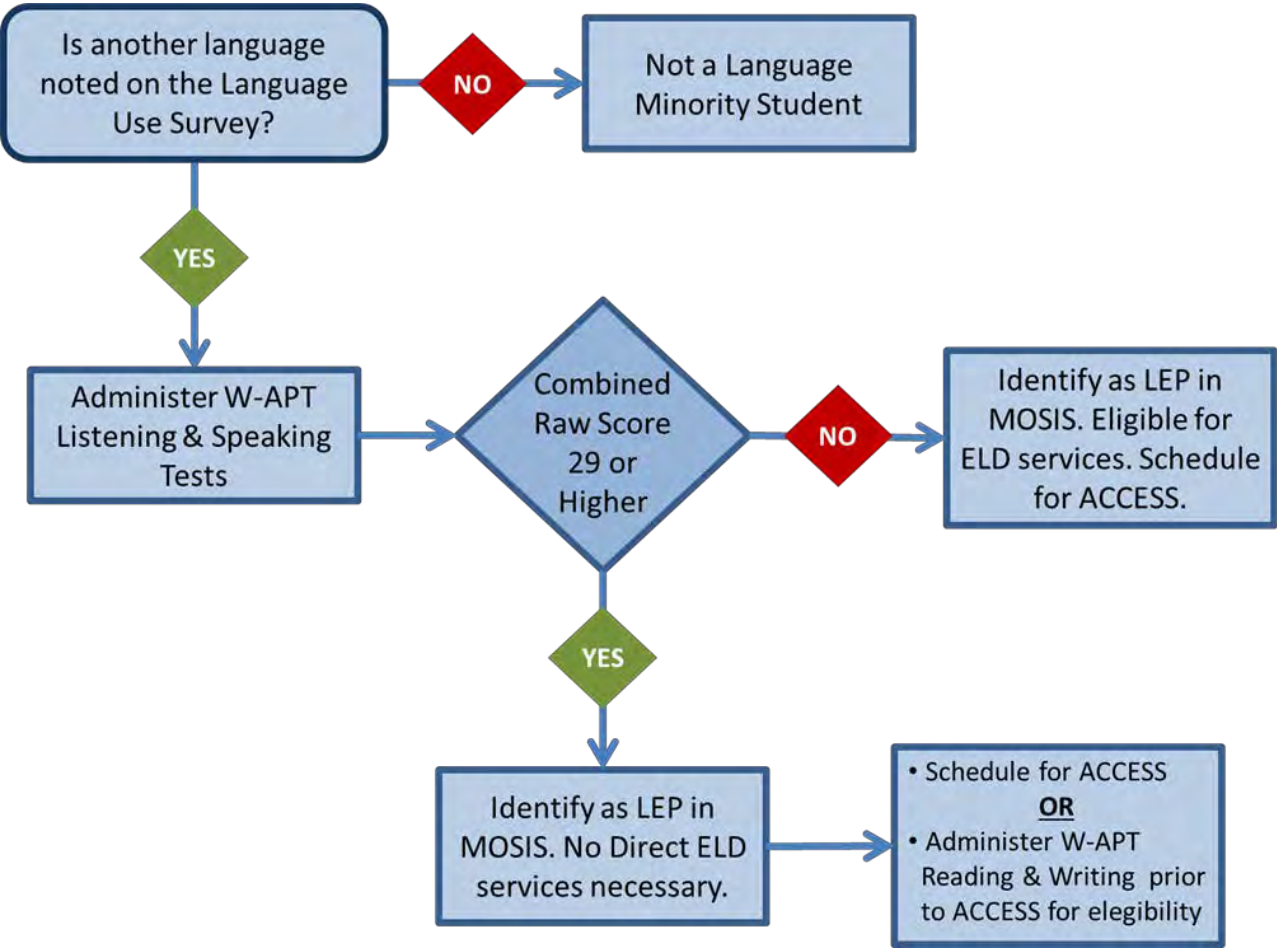
For the purposes of screening, there are three groups of students to consider:

- 1<sup>st</sup> semester Kindergarten students
- 2<sup>nd</sup> semester Kindergarten students/1<sup>st</sup> semester 1<sup>st</sup> graders
- 2<sup>nd</sup> semester 1<sup>st</sup> graders through 12<sup>th</sup> graders

## 1<sup>st</sup> semester Kindergarten students

Because many 1<sup>st</sup> semester Kindergarten students cannot read or write you will screen them on the listening and speaking domains only, using the Kindergarten W-APT. If the student scores a combined 28 or less, they will be identified as LEP in MOSIS and be eligible for services. If the student scores a combined 29 or 30 (out of 30) they will be marked in core data as LEP, but are not required to be placed in the district's LIEP. These students may be assessed in reading and writing later in the semester to determine eligibility. Otherwise, they will take the ACCESS test during the state window so that a determination based on all four domains can be made.

### Flowchart for Identifying 1<sup>st</sup> Semester Kindergarteners





## 2nd semester Kindergarten students/1st semester 1st graders

Those students who are either a 2<sup>nd</sup> semester Kindergarten student or a 1<sup>st</sup> semester 1<sup>st</sup> grade student will be screened using the Kindergarten W-APT.

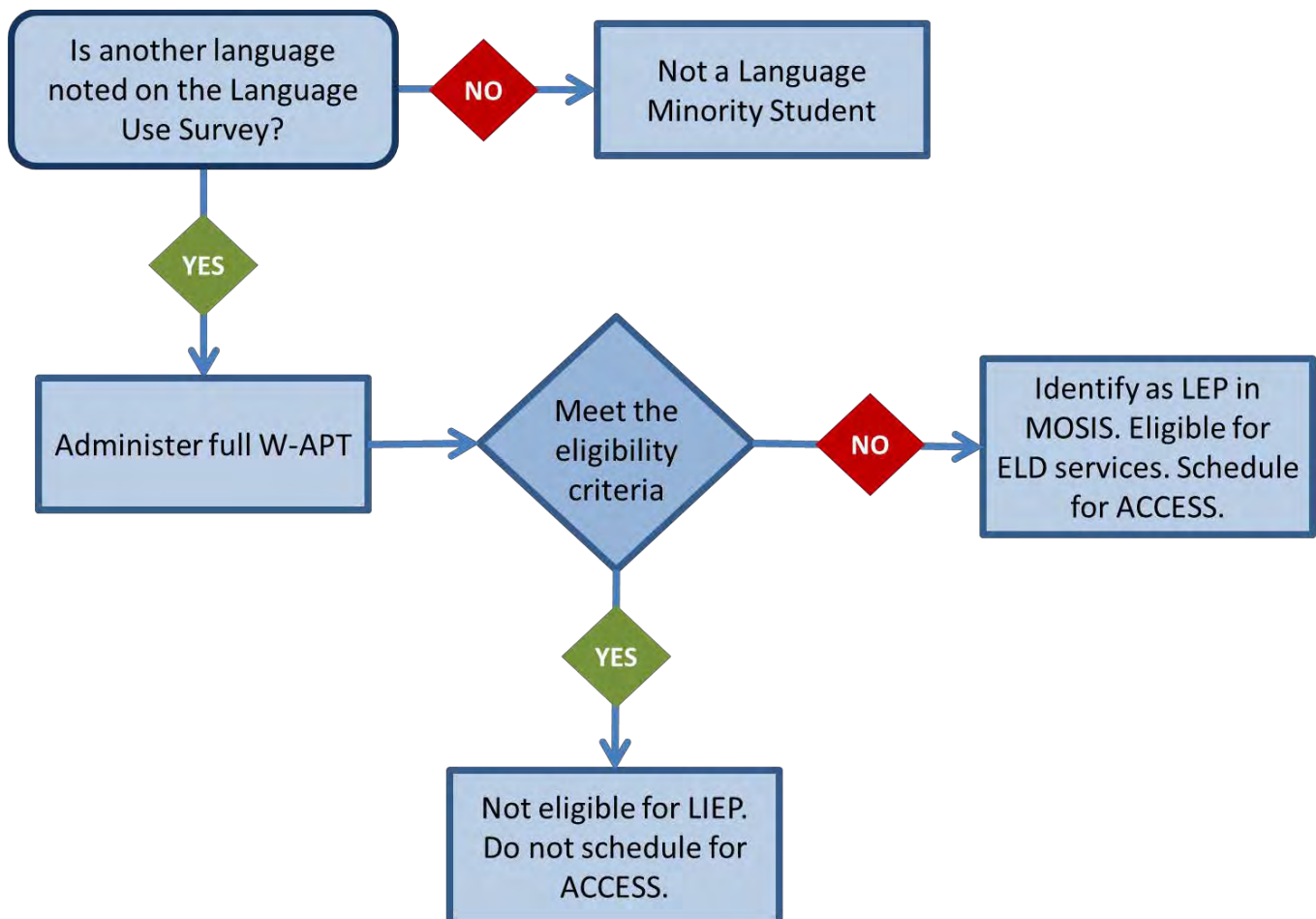
The student is eligible for ESL services if they:

- Have a combined score of 28 or lower on listening and speaking OR
- Have a score of 10 or lower on reading OR
- Have a score of 11 or lower on writing

The student is not eligible for ESL services if they:

- Have a combined score of 29 or higher on listening and speaking AND
- Have a score of 11 or higher on reading AND
- Have a score of 12 or higher on writing

### Flowchart for Identifying 2<sup>nd</sup> Semester Kindergarten-1<sup>st</sup> Semester 1<sup>st</sup> Graders

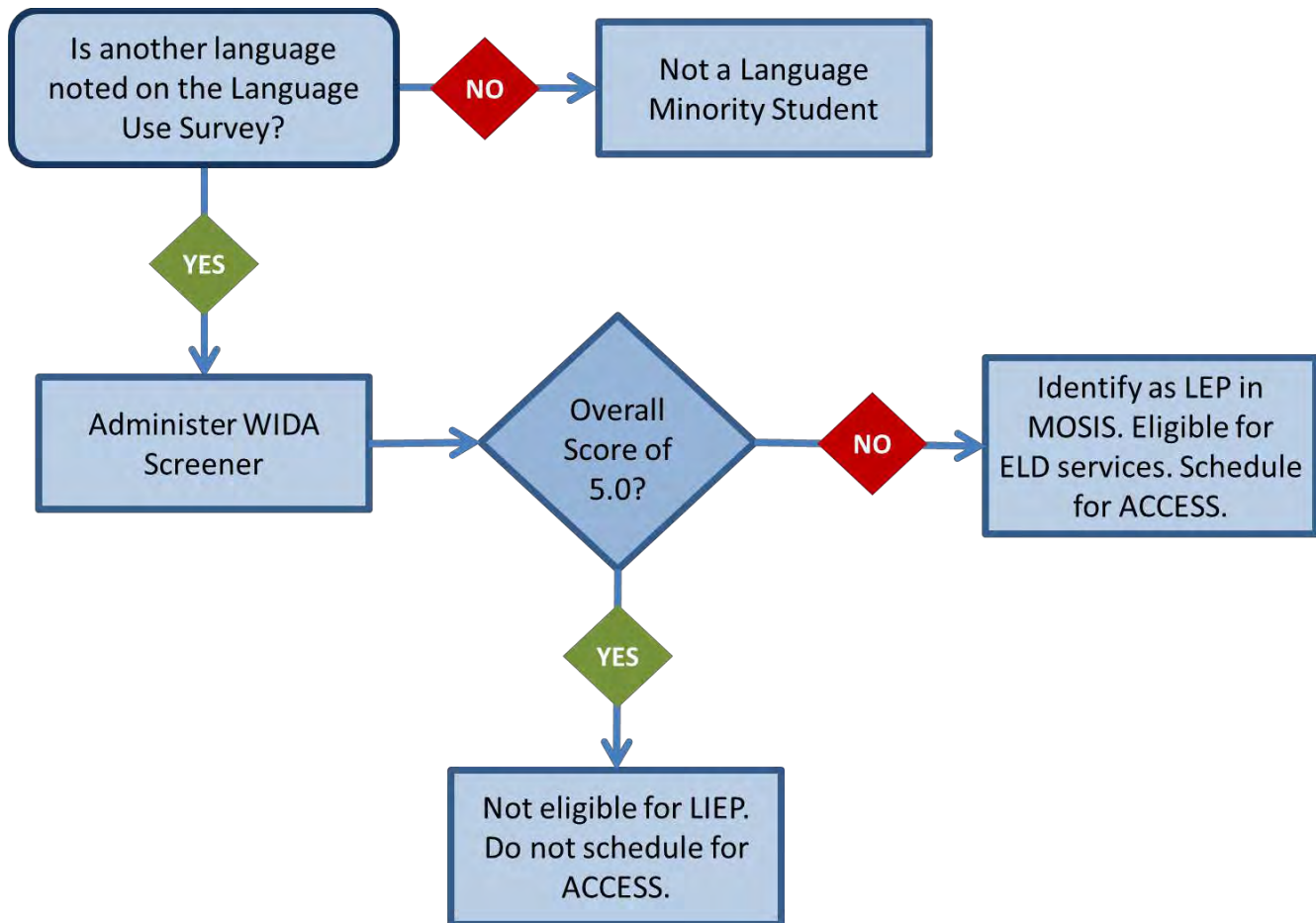




## 2ND semester 1st graders through 12th graders

If the student has a combined grade adjusted composite proficiency of 5.0 or higher, they meet the minimum criteria for English proficiency and are not eligible for ESL services. If they do not meet 5.0 or higher they are eligible for ESL services.

### Flowchart for Identifying 2<sup>nd</sup> Semester 1<sup>st</sup> Graders through 12<sup>th</sup> Graders



## Identifying Newcomers

Under federal law, ELs must be identified in a timely manner using a valid and reliable English Language Proficiency (ELP) assessment that measures proficiency in speaking, listening, reading and writing. True newcomer students, defined as recently arrived immigrants, migrants or refugees in second semester of the first grade year and beyond may be formally identified without taking the WIDA Screener. Districts that forego screening must follow the policy found in the [Newcomer Kit](#).



Office of Quality Schools

Margie Vandeven • Assistant Commissioner

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## EL BULLETIN

**Date: March 2011**

### **Topic: When Parents Decline English as a Second Language (ESL) Services for English Learners**

The purpose of this Bulletin is to clarify the requirements for serving an English Learner, **even if** parents decline ESL services.

#### Federal law requires that an English Learner receive ESL services.

Federal law requires that states define English language proficiency and that any school district receiving federal funds through any program provide ESL services to all who do not meet that definition. Missouri defines English language proficiency as attaining a Level 6 Composite score on the State's English language proficiency assessment ACCESS for ELLs. If a parent refuses ESL services, meaningful education must still be provided. When a parent refuses ESL services, the parent's refusal of ESL services must be documented, but it does not release the school district from its responsibility for providing meaningful education to the English Learner. If parental refusal of ESL services denies an English Learner access to a meaningful education, this violates the English Learner's rights. *A parent cannot refuse "education" and if an English Learner cannot access education without ESL services, then the district must support the academic learning of the English Learner. If an ESL program is necessary in order to ensure academic progress for the English Learner, then ESL services must be provided.*

#### Rights of English learners

The Civil Rights Act of 1964 remains the foundation of the legal rights of an English Learner.

"No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (42 U.S.C. 2000d)

This has been interpreted by courts as requiring a qualified ESL teacher to be provided to English Learners to ensure that they are not excluded from participation in meaningful education.

In addition, an Office for Civil Rights Memorandum of 1991 requires a qualified ESL endorsed teacher for English Learners, in order that they are not relegated to second-class status by allowing a teacher without formal qualifications to teach them while requiring teachers of non-English Learners to meet formal qualifications (See 34 Code of Federal Regulations C.F.R. Section 100.3 (b)(ii)).

Phone 573-751-4234 • Fax 573-751-9434 • [qualityschools@dese.mo.gov](mailto:qualityschools@dese.mo.gov)

Missouri school districts do not need parental permission to test a student.

The ACCESS for ELLs is a federally and state-required annual assessment and participation is a component of *No Child Left Behind* (NCLB) accountability. Failure of English Learners to participate in the annual administration of the ACCESS for ELLs may affect NCLB Title I.A funding. Even if a parent has refused ESL services, if that student has been identified as an Limited English proficient, then that student must be administered the ACCESS for ELLs annually until that student attains the State's definition of English language proficient.

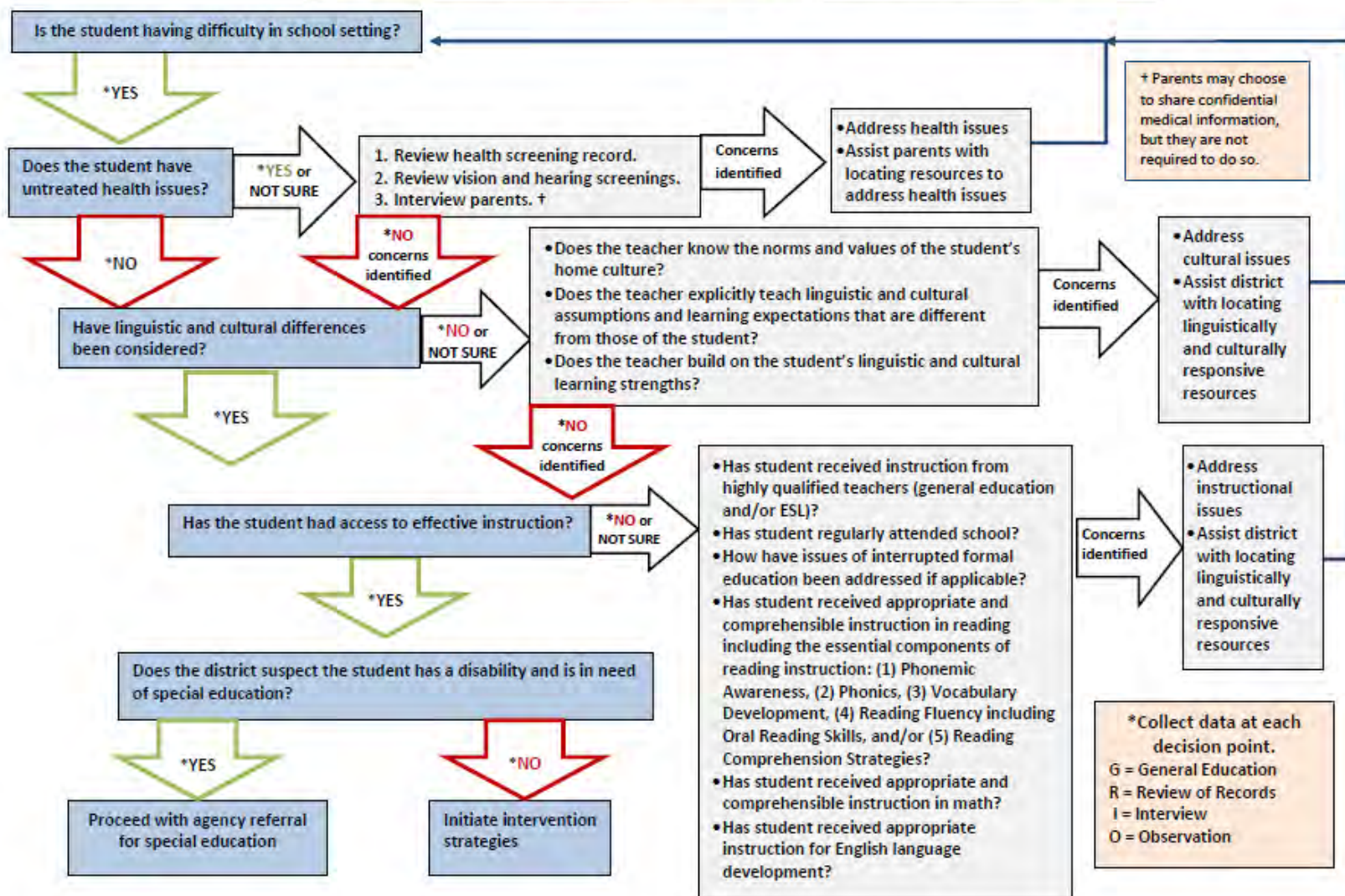
Parents have the right to choose whether or not their child receives Title III Supplemental ESL services. Should parents wish to refuse regular ESL services, they should be asked to attend a conference with the ESL teacher and an administrator where recent assessments, student work, academic strengths and needs will be shared and discussed. The parents should be required to sign a waiver from the type of ESL program the district is offering. Parents, however, do not reserve the right to exempt their child from needed support. Therefore, regular classroom teachers, with help from an ESL teacher, will utilize ESL strategies and resources in the mainstream classroom.

If you have any questions or would like further information, please contact Shawn Cockrum, Director, Migrant Education and English Language Learning at (573) 751-8280 or at [shawn.cockrum@dese.mo.us](mailto:shawn.cockrum@dese.mo.us)

#### RESOURCES:

[Office for Civil Rights 1991 Memorandum](#)

### Step I: Consideration of Factors that May Impact Academic Success for ELLs





## Step 2: Initiate Intervention Strategies

It is crucial that all data collected be considered when determining interventions. Use of the data during the intervention process will help ensure an appropriate intervention for ELLs. It is important that the team recognize the potential need for involving specialized personnel and/or curricula during the intervention process, particularly when considering the need for an increase in the frequency, duration, and intensity of interventions. After considering intervention data, the team must answer the post-intervention questions below.

Interventions for ELLs should:

- Be comprehensible and culturally responsive (Banks, 2005; Bialystock, 2001).
- Actively engage students in contextualized and authentic language use (Bialystock, 2001; Lightbown & Spada, 2003).
- Facilitate transfer of concepts, language, and skills across contexts and languages (Cummins, 2000; Genesee, Lindholm-Leary, Saunders, & Christian, 2006).
- Be provided at the student's English language proficiency level (Bialystock, 2001; Genesee, Lindholm-Leary, Saunders, & Christian, 2006; Paradis, 2011).
- Employ the students' conversational and academic proficiency in home language(s) and English (Cummins, 2000; Genesee, Lindholm-Leary, Saunders, & Christian, 2006).

Source: *Developing a Culturally and Linguistically Responsive Approach to Response to Instruction & Intervention (RtI<sup>2</sup>) for English Language Learners* (2013) Board of Regents of the University of Wisconsin System. [www.wida.us](http://www.wida.us)

### POST INTERVENTION QUESTIONS

(1) Does data show that intervention was successful to address the student's difficulty?

YES continue the intervention  
NO proceed to question 2

(2) Does data suggest there is a reason to suspect the student has a disability and is in need of Special Education services?

YES proceed with agency referral for special education  
NO use data from previous intervention to develop new intervention

Continue using appropriate interventions until data suggest there is a reason to suspect an educational disability or the difficulty the student is experiencing is resolved.

**SAMPLE\_\_\_\_\_SCHOOL DISTRICT****English Language Learner Individualized Academic Plan (IAP) for:** \_\_\_\_\_

IAP Meeting Date: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_ School Year: \_\_\_\_\_

**CONFIDENTIAL** \_\_\_\_\_

School: \_\_\_\_\_

Primary Language in the home: \_\_\_\_\_

Country of origin: \_\_\_\_\_

Date of U.S. Entry: \_\_\_\_\_

Parents require translation in native language: ☐ yes ☐ no

Number of years receiving ESL instruction: \_\_\_\_\_

**Teacher observations and input about the student:****WIDA Screener or W-APT****Date:** \_\_\_\_\_

Proficiency Levels Range 1-6

\*CPL: Composite Proficiency

Language Modality	Proficiency Level
Speaking	
Writing	
Listening	
Reading	
Literacy CPL	
Oral CPL	
Overall CPL	

**State English Proficiency Test information:****ACCESS for ELLs**

Language Modality	Date	Scale Score	EPL	Date/Tier	Scale Score	EPL	Date/Tier	Scale Score	EPL
Speaking									
Listening									
Reading									
Writing									
Oral Language									
Literacy									
Comprehension									
<b>Overall</b>									

\* EPL: English Proficiency Level

SAMPLE\_\_\_\_\_SCHOOL DISTRICT

English Language Learner Individualized Academic Plan (IAP) for: \_\_\_\_\_

IAP Meeting Date: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_ School Year: \_\_\_\_\_

**CONFIDENTIAL** \_\_\_\_\_

State Testing: MAP Grade-Level/EOC

Subject Area	Year	Achievement Level	Scale Score	Year	Achievement Level	Scale Score
Communication Arts						
Math						
Science						

Student ELD Goals:

Reading:

Writing:

Listening:

Speaking:

Post-secondary Transition:

Post-secondary Goal: ☐ employment ☐ trade school ☐ 2 year college ☐ 4 year college

Area of interest: (add career paths)

Student will graduate by: ☐ full credit ☐ EL IAP Goals/describe plan

## **Technical Assistance and Research Centers**

**Center for Applied Linguistics (CAL)** - a private, non-profit organization whose group of scholars and educators use the findings of linguistics and related sciences in identifying and addressing language-related problems. Good source for related educational resources, including videos

4646 40<sup>th</sup> Street, N.W.

Washington, D.C. 20016

202-362-0700 (v)

[www.cal.org](http://www.cal.org)

### **Center for Research on Education, Diversity & Excellence (CREDE)**

CREDE is an easy-to-use archive of information and resources developed as part of CAL's work with the CREDE from 1996–2004. Many of the resources can be downloaded for free and selected resources are also available in print form for ease of use and reference.

<http://manoa.hawaii.edu/coe/crede/>

**Center for Multilingual Multicultural Research** - A comprehensive, annotated list of bilingual/ESL/multicultural education resources. See "Other Resources" for Spanish and Spanish/English links, and "Full-text Related Articles." <http://www-bcf.usc.edu/~cmmr/BEResources.html>

### **Central Comprehensive Center**

The Central Comprehensive Center (C3) at the University of Oklahoma is one of [a national network of 22 federally funded centers](#). The C3 mission is to provide high quality/high impact technical assistance that helps build or expand the capacity of the state education agency (SEA), intermediary agencies, and other educational systems in [Colorado](#), [Kansas](#), and [Missouri](#) to implement, support, scale-up, and sustain reform efforts to improve teaching and learning.

<http://www.c3ta.org/topics/EL.html>

### **Colorín Colorado**

Colorín Colorado is an educational initiative of WETA, the flagship public television and radio station in the nation's capital. Major funding comes from the American Federation of Teachers (AFT) and the AFT Innovation Fund. <http://www.colorincolorado.org>

### **ERIC Clearinghouse on Languages and Linguistics**

Funding for ERIC/CLL ended December 31, 2003. For information about the new ERIC database, visit [eric.ed.gov](http://eric.ed.gov).



**National Association for Bilingual Education (NABE)** - the only national organization exclusively concerned with the education of language-minority students in American schools. [www.nabe.org](http://www.nabe.org)

### **National Clearinghouse for English Language Acquisition (NCELA)**

Authorized under Title III of the No Child Left Behind Act of 2001 (NCLB), the National Clearinghouse for English Language Acquisition & Language Instruction Educational Programs (NCELA) supports the U.S. Department of Education's Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) in its mission to respond to Title III educational needs, and implement NCLB as it applies to English language learners (ELs).

<http://www.ncela.us/>

8757 Georgia Avenue Suite 460

Silver Spring MD 20910

Phone: 1-866-347-6864

Email: [askncela@leedmci.com](mailto:askncela@leedmci.com)

### **SIOP - Sheltered Instruction Observation Protocol**

Deborah J. Short, MaryElen Vogt, and Jana Echevarria

The SIOP, a research based and validated model of sheltered instruction, allows educators to plan and implement high-quality sheltered lessons for ELs that integrate English language and academic content instruction.

### **Teaching Diverse Learners**

Available at: <http://www.brown.edu/academics/education-alliance>

See "Teaching & Learning Strategies" - Addresses practical applications for the areas of Culturally Responsive Teaching, Mainstream Classrooms, Bilingual/ESL Classrooms, and Special Education." and "Families" for clear explanations of theory to practice through a "What, Why and How" format.

### **The Center for Equity and Excellence in Education**

The George Washington University Center for Equity and Excellence in Education

1555 Wilson Blvd., Suite 515

Arlington, VA 22209-2004

Telephone: 703.528.3588

Email: [ceeeinfo@ceeee.gwu.edu](mailto:ceeeinfo@ceeee.gwu.edu)

### **WIDA** [wisc.wida.edu](http://wisc.wida.edu)

1025 W. Johnson St.

Madison, WI 53706

Phone: 1-866-276-7735

## **Federal and State Education Assistance**

**United States Department of Education** - Includes links to educational program legislation, and the ten Regional Educational Laboratories. [www.ed.gov](http://www.ed.gov)

**The Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA)** - The Office responsible for overseeing Title III (Bilingual Education) programs, including the Emergency Immigrant Education program. Links to federal grant information. <http://www2.ed.gov/about/offices/list/oela/index.html>

**Executive Order 13166** - Improving Access to Services for Persons with Limited English Proficiency (2000 – updated April 2011) <http://www.lep.gov/13166/eo13166.html>

**Every Student Succeeds Act** - Available at: <https://www.ed.gov/essa>

**Missouri Department of Elementary and Secondary Education (DESE)** - The state department's web page, with links to school law and finance, federal programs, and the EL Student Census (available to anyone). <http://dese.mo.gov/>

**Missouri Migrant Education and English Language Learning (MELL)** - In Missouri, the Title I-C and Title III programs of the Every Student Succeeds Act of 2015 have been reorganized as the Missouri Migrant Education and English Language Learning (MEL) program. The reorganization has been in progress since the ESSA was signed. The main purpose of the MELL program is to provide quality services and build capacity in the school districts as outlined in the Title I-C and Title III of the ESSA Act. <http://dese.mo.gov/quality-schools/migrant-education/english-language-learners>

**Title I.C - Migrant Education Program** - The Mission of the Missouri Migrant Education Program is to establish and improve partnerships with local, state, and national agencies in order to offer technical and financial assistance with the purpose of enhancing education and health services to migrant families. <https://dese.mo.gov/quality-schools/migrant-el-immigrant-refugee-education/english-learners>

**Title III - English Language Learning** - Title III was written to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet. Through Title III, Missouri school districts can develop high-quality language instruction educational programs designed to assist in teaching limited English proficient children and serving immigrant children and youth. Title III also promotes participation in language instruction educational programs by the parents and communities of limited English proficient children. <http://dese.mo.gov/quality-schools/migrant-education/english-language-learners>